LEGISLATIVE COUNCIL

Wednesday 5 April 2006

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The President (The Hon. Dr Meredith Burgmann) took the chair at 11.00 a.m.

The Clerk of the Parliaments offered the Prayers.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Membership

Motion by the Hon. John Della Bosca agreed to:

That Mr Catanzariti be discharged from the Committee on Children and Young People and that Ms Sharpe be appointed a member of the committee.

Message forwarded to the Legislative Assembly advising it of the resolution.

FIREARMS SAFETY AWARENESS TESTING

Production of Documents: Order

Motion by Ms Lee Rhiannon agreed to:

That, under Standing Order 52 there be laid upon the table of the House within 14 days of the date of the passing of this resolution the following documents in the possession, custody or control of the Cabinet Office, and the Minister for Police, NSW Police and the Ministry of Police relating to the Firearm Safety and Training Council Ltd or the New South Wales Shooting Association Ltd:

(a) the finance agreement made on 17 April 1991 between the Minister for Police and the New South Wales Shooting Association Ltd to advance the association the sum of $600,000 to assist it to conduct firearms safety awareness courses,

(b) any subsequent finance agreement between the Minister for Police or the Commissioner for Police and the New South Wales Shooting Association Ltd for the conduct of firearms safety awareness courses,

(c) any document not already provided to the House as a result of the order of the House of 8 March 2006 regarding the finance agreements referred to in paragraphs (a) and (b) above, and

(d) any document which records or refers to the production of documents as a result of this order of the House.

UNPROCLAIMED LEGISLATION

The Hon. Eric Roozendaal tabled a list detailing all legislation unproclaimed 90 calendar days after assent as at 4 April 2006.

PETITIONS

Gaming Machine Tax

Petition praying that the House reconsider the decision to increase poker machine tax, received from **the Hon. Rick Colless**.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Order of the Day No. 1 postponed on motion by the Hon. John Della Bosca.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Ms LEE RHIANNON [11.07 a.m.]: I move:

> That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 188 outside the Order of Precedence, relating to the Education Amendment (Computing Skills Testing Requirement Delay) Bill 2006 be called on forthwith.

This bill is essential to ensure a fair go for students in New South Wales high schools. The motion is urgent for this simple reason: the test is unfair and many thousands of students will be disadvantaged by it, and time is running out to fix it. Clearly the Government has got itself in a mess. The Minister for Education and Training could have fixed the problem if she had exercised her power under the Act to delay the introduction of mandatory computing skills tests by 1 January this year; but she failed to act. As a result, thousands and thousands of New South Wales year 10 students this year will be disadvantaged in their School Certificate examinations. That deadline for the Minister, 1 January, underlines the urgency of this bill. That date was set for a sound reason, to give schools adequate time to prepare for the School Certificate tests. It is now 5 April and the threat of those unfair tests is imminent.

Let us be clear about why making the computing skills test mandatory is so unfair. The Education Act as it stands makes computing skills tests a mandatory, compulsory part of the School Certificate from this year. The School Certificate tests four years worth of learning: that is, all the computing skills that students have learnt in years 7 to 10 at high school. But many high schools in New South Wales just do not have enough computers, or if they have them they do not have the systems and support staff to make them reliable. Large numbers of students often share one computer workstation. Computers are being rolled out, including some right at the end of last year, but—and this is a key point—it is hardly fair to test year 10 students on four years worth of computing skills when he or she had access to a computer only recently.

The Board of Studies has said that students can replace the computing skills test with a paper and pencil test—a tacit acknowledgement that many schools just do not have the necessary computer resources—but that hardly puts those students on a level playing field. This bill would remove only the mandatory requirement for the computing skills test. Schools well equipped with computers would still be free to choose to include the test. The bill would delay the mandatory introduction of the test until 2007 or later, at the discretion of the Minister. Across New South Wales high school students are working hard to get an education and to advance themselves. We all know the importance of a good education and good grades, but the education department is imposing an uneven playing field. Students with poor computer access are being forced to compete with students with excellent computer access.

The Hon. Michael Costa: You are a Luddite.

Ms LEE RHIANNON: I acknowledge that ridiculous interjection. Government members are being the Luddites here because they are forcing students to do a test.

The Hon. John Della Bosca: Luddites are heroes.

Ms LEE RHIANNON: I also acknowledge that interjection. The Government is revealing the problems of its social democrat history. It just is not fair. We are letting down those students. This problem is urgent because we are almost halfway through the year and we are running out of time. The Government got itself in a mess. The Greens bill will help the Government get out of that mess.

The Hon. Tony Kelly: Point of order: The honourable member is no longer debating why standing and sessional orders should be suspended; she is debating the motion.

The PRESIDENT: Order! Interjections are disorderly and the member with the call should ignore them. Ms Lee Rhiannon must confine her remarks to debating urgency and whether standing and sessional orders should be suspended.

Ms LEE RHIANNON: All members must appreciate the urgency of this matter and bring the bill on for debate.

Question—That the motion be agreed to—put.

The House divided.

[*In division*]

The PRESIDENT: Order! I call the Hon. Eric Roozendaal to order for the first time.

Ayes, 16

Mr Breen	Mr Gay	Ms Rhiannon
Dr Chesterfield-Evans	Ms Hale	Mr Tingle
Mr Clarke	Mr Lynn	
Mr Cohen	Ms Parker	*Tellers,*
Ms Cusack	Mrs Pavey	Mr Colless
Mrs Forsythe	Mr Pearce	Mr Harwin

Noes, 17

Ms Burnswoods	Mr Kelly	Ms Sharpe
Mr Costa	Reverend Dr Moyes	Mr Tsang
Mr Della Bosca	Reverend Nile	Dr Wong
Mr Donnelly	Mr Obeid	*Tellers,*
Ms Fazio	Ms Robertson	Mr Primrose
Ms Griffin	Mr Roozendaal	Mr West

Pairs

Mr Gallacher	Mr Catanzariti
Miss Gardiner	Mr Hatzistergos
Mr Ryan	Mr Macdonald

Question resolved in the negative.

Motion negatived.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Ms SYLVIA HALE [11.09 a.m.]: I move:

> That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 196 outside the Order of Precedence, relating to the sale of Snowy Hydro Limited, be called on forthwith.

Standing and sessional orders should be suspended today because this matter needs to be brought before Parliament urgently. In December the Government announced its intention to privatise the Snowy Hydro scheme and late last week the Australian Parliament debated a motion to authorise the sale of its stake in the scheme. Yet there has been no debate in this Parliament about the merits of this proposal nor has there been any debate about the environmental and financial consequences of the sale for the people of this State.

This matter is urgent because the Snowy Hydro scheme is an iconic piece of infrastructure that currently belongs to all the people of this State and this nation through the New South Wales, Victorian and Commonwealth governments. It holds an important place in the history of Australia's development, both as an economy and as a nation. The Snowy Hydro took 25 years and 100,000 migrant workers from 30 countries to build. From the time of the scheme's commencement to the time of its completion the Australian nation was transformed, not least by the tens of thousands of migrant workers who brought to this country their skills, their enthusiasm and their desire for a better life. The sale of such a part of our history—to take it out of the hands of the people and place it in the hands of a small number of investors—is a matter that should be scrutinised by this Parliament.

This matter is urgent not just because of the scheme's history but because of the role that the Snowy Hydro scheme now plays. Snowy Hydro Limited is one of the most profitable publicly owned electricity generating corporations in Australia. In 2003-04 its pre-tax return on equity was 22.2 per cent while the average for all publicly owned generators was 11.7 per cent. In 2004-05 its return on equity was slightly lower, at 19.8 per cent. Selling off such a hugely profitable public asset raises very serious issues about whether the Government is sacrificing the long-term financial health of New South Wales for a short-term fix to its budget and a boost to its pork barrel for next year's election campaign.

This issue is urgent because the proposed sale of the Snowy Hydro scheme threatens the environmental health of the region. We have seen over and over again that when a public infrastructure asset is privatised the profit of shareholders always overrides the welfare of the public. The health of the Snowy River has been shamefully compromised by the three governments responsible for its wellbeing, but at least when it was finally recognised that the Snowy needed to be saved those three governments were able to negotiate improvements in the public interest. The Government has had to balance the interests of the community in keeping the river and the surrounding environment healthy against the need of farmers and landholders for irrigation for their crops. That is the role of governments: to balance competing interests. That is why public infrastructure such as the Snowy should be in public hands. The governments reached an agreement, the target river flow has still not been reached but progress has been made. Imagine that process if Snowy Hydro were privatised. Instead of three elected governments sitting around a table discussing the public—

The Hon. Tony Kelly: Point of order: Ms Sylvia Hale is speaking to the substance of the motion, not why it is urgent.

The PRESIDENT: Order! I remind Ms Sylvia Hale that she must only address urgency and whether standing and sessional orders should be suspended.

Ms SYLVIA HALE: This matter is urgent because of what it will mean for farmers and irrigators who rely on water from the Snowy scheme. We have seen the example of Sydney airport. That major piece of public infrastructure was sold to private interests.

The Hon. Amanda Fazio: Point of order: Ms Sylvia Hale is flouting your ruling. She has gone back to arguing the substance of the motion and not why it is urgent. I ask you to remind Ms Sylvia Hale of the standing orders relating to this matter. If she cannot stay within the standing orders she should be denied the right to speak.

The PRESIDENT: Order! I remind Ms Sylvia Hale that unless her remarks are addressed to urgency and the suspension of standing and sessional orders she cannot speak.

Ms SYLVIA HALE: Madam President, I prefaced my last sentence with the words "This matter is urgent", and I will preface my next sentence with the same words. This matter is urgent because the Government has refused to bring the issue to Parliament for debate. This motion is the only way of having this important issue dealt with properly, transparently and publicly. [*Time expired*.]

Question—That the motion be agreed to—put.

The House divided.

Ayes, 15

Mr Breen	Mr Gay	Ms Rhiannon
Dr Chesterfield-Evans	Ms Hale	
Mr Clarke	Mr Lynn	
Mr Cohen	Ms Parker	*Tellers,*
Mrs Forsythe	Mrs Pavey	Mr Colless
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Noes, 17

Ms Burnswoods	Mr Kelly	Ms Sharpe
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Mr Della Bosca	Reverend Nile	Mr Tsang
Mr Donnelly	Mr Obeid	*Tellers,*
Ms Fazio	Ms Robertson	Mr Primrose
Ms Griffin	Mr Roozendaal	Mr West

Pairs

Ms Cusack	Mr Catanzariti
Mr Gallacher	Mr Hatzistergos
Mr Ryan	Mr Macdonald

Question resolved in the negative.

Motion negatived.

CRIMES AMENDMENT (ORGANISED CAR AND BOAT THEFT) BILL

Bill received, read a first time and ordered to be printed.

Motion by the Hon. Eric Roozendaal agreed to:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Second reading ordered to stand as an order of the day.

NATIONAL PARKS AND WILDLIFE (ADJUSTMENT OF AREAS) BILL

Bill received, read a first time and ordered to be printed.

Motion by the Hon. Eric Roozendaal agreed to:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Second reading ordered to stand as an order of the day.

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (RESERVED LAND ACQUISITION) BILL

Bill received, read a first time and ordered to be printed.

Motion by the Hon. Eric Roozendaal agreed to:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Second reading ordered to stand as an order of the day.

LAW ENFORCEMENT (CONTROLLED OPERATIONS) AMENDMENT BILL

Second Reading

The Hon. ERIC ROOZENDAAL (Minister for Roads) [11.34 a.m.]: I move:

That this bill be now read a second time.

I seek leave to incorporate the second reading speech in *Hansard*.

Leave not granted.

I refer honourable members to the second reading speech that was delivered on this bill in the Legislative Assembly.

Ms LEE RHIANNON [11.35 a.m.]: The Greens have a number of concerns about the Law Enforcement (Controlled Operations) Amendment Bill. People who have a commitment to justice and want to ensure that this State operates properly should share our concerns about many aspects of the bill. The principal

object of this bill is to provide, within the Act, a legislative scheme under which law enforcement agencies may carry out cross-border investigations in relation to criminal activities. The bill makes a number of amendments to the Act, one of which replaces the provision of the principal Act that provides for the granting of retrospective authority for unlawful activities. Another expands the number of police officers to whom the chief executive officer of NSW Police may delegate his or her functions.

The bill also provides for a further review of the principal Act to be undertaken as soon as possible after the period of five years from the date of assent to the proposed Act and for a report on the outcome of the review to be tabled in each House of Parliament. This bill is topical in many ways in view of the recent extraordinary case of a person, whom the police had identified as a drug dealer, who rolled over to co-operate with the police. To ensure that his cover was not blown in the community, the police went as far as to provide him with seven kilograms of heroin. We need to be conscious of that development because of its relevancy to this matter.

At a time when the Government is all too keen to ramp up its law and order hype, the Greens are amazed at the hypocrisy that this bill represents. The hypocrisy is centred on the Government's each way bet with the law and order debate. On the one hand, the Government goes into overdrive selling its stories of fear and alarm through the community while, on the other hand, it fuels that alarm by introducing bills such as this. This is not unusual. In fact, it is a pattern of the Government. Consider the Government's decision to vote with the Opposition to change the law so that firearms are more accessible in the community while at the same time going on and one about law and order at every opportunity. We have heard about the need to purchase water canons, tasers, a permanent riot squad, the potential for indefinite detention of sex offenders and majority jury verdicts, which all add to the list of the Government's law and order election credentials.

The Hon. Eric Roozendaal: All good initiatives.

The Hon. Michael Gallacher: They are.

Ms LEE RHIANNON: I acknowledge the interjections of honourable members who are proud of these backward step measures for justice in New South Wales. They certainly do not make our community safer. The Government is continuing that pattern and wants to make it easier for the police to break the law or, in law enforcement parlance, to conduct controlled operations, which typically involves the sale or purchase of illegal drugs by the police. As the honourable member for Bankstown and Parliamentary Secretary Assisting the Minister for Police stated in his second reading speech, the bill expands the number of senior officers able to authorise controlled operations to include all officers at or above the rank of assistant commissioner, plus two officers at or above the rank of superintendent. The latter two officers must be specifically nominated by the commissioner.

Essentially, the changes mean that the number of New South Wales senior officers able to authorise controlled operations within New South Wales is expanded from 6 to 20. In short, this bill makes it easier to grant legislative immunity to police to break the law. It also confirms that evidence obtained by police during this immunity will be admissible in a court and it expands the circumstances where retrospective grants of immunity can be issued. The Greens have serious concerns about the provisions of this bill. While the Greens readily acknowledge that the controlled operations framework is an improvement on the way police caught people in the act of committing crime prior to the Wood royal commission, we nonetheless believe that the current system is already too lax and therefore should be tightened up—certainly not expanded, as this bill would permit.

The New South Wales Ombudsman's report of 2004-05, which considered the use of controlled operations by New South Wales law enforcement agencies, shows that the granting of permission to use controlled operations has almost trebled in only five years. Hence, in 200001 the police conducted 148 controlled operations, while in 2004-05 the number of controlled operations had ballooned to 416. Some 83 per cent of those operations involved prohibited drugs, while slightly less than half of the operations, or 45 per cent of them, resulted in charges being laid. That means that every day in New South Wales the police are breaking the law. So it is hard to describe the current system as being too rigid or inflexible. That is why the Greens do not support this bill, as no theoretical case is made out to support it. The 416 controlled operations undertaken by the New South Wales police in 2004-05 clearly demonstrate that the existing framework is adequate. There is no lack of controlled operations occurring—in fact, they are increasing at an alarming rate.

The Greens also are opposed to making it easier for the police to grant themselves retrospective immunity. This bill replaces the entire existing section of the Act that deals with the granting of retrospective

authority, and now allows that same authority to be granted if the Commissioner of Police is satisfied that there was a substantial risk to the success of the authorised operation. In our view this is simply too wide and is open to far too much interpretation. An extremely worrying point about this bill is the selective amendment to section 7 (1) (b) of the Act. This section deals with the prohibition of certain types of controlled operations. The bill states that:

> … an authority to conduct a controlled operation must not be granted in relation to a proposed operation that involves a sexual offence against any person.

The concern of the Greens with this amendment is that it leaves out a whole range of offences that should also be prohibited. Whilst the existing section of the Act prohibits controlled operations in circumstances where they would be likely to seriously endanger the health or safety of that or any other participant, or any other person, or to result in serious loss of or damage to property, it seems at least inconsistent to suggest that only sexual offences should be explicitly prohibited. Crimes of violence including torture and kidnapping, or other crimes including robbery, break and enter, and home invasions are theoretically allowed to continue under this bill, as all that needs to be established is that the offence will not seriously endanger the health or safety of that or any other participant, or any other person. To even suggest that police would not be engaged in this kind of behaviour is ridiculous.

The practical concern that the Greens have with the bill is that the police have not been able to establish that they can use their controlled operations powers responsibly. Honourable members have to look no further than the *Sunday Telegraph* of 19 March this year. An article in that edition is headed "Police seek 7kg of coke", obviously a reference to cocaine. It reveals how officers made $1 million selling seized drugs to dealers. We are left wondering whether part of the reason for the bill is an attempt to save the Government from such embarrassing headlines. When we read the article we learn that in one of these controlled operations the police allowed seven kilograms of cocaine to be sold and recovered only one kilogram, with the remaining six kilograms going to line the pockets of drug dealers throughout the State. To make matters worse, it has been revealed that on 2 February 2005, at a meeting with the New South Wales police commissioner, it was agreed that this cocaine would be sold in a manner that made it unlikely that the cocaine would be recovered and would be likely to reach street level.

In an act of breathtaking hypocrisy, the Assistant Commissioner of the New South Wales Crime Commission decided that this course of action did not contravene section 7 of the Act, because the supply of seven kilograms of cocaine did not endanger the health of any person. That is extraordinary. If members of this House are not up in arms about that, one really has to wonder what their agenda is when they talk about drugs and their version of so-called justice. In turn, the reasons for that bizarre assurance—that the cocaine did not endanger the health of any person—were that cocaine overdose does not cause death; that there was no additional harm because the users would be able to get their cocaine elsewhere given the prevailing conditions at the time; the statute only covered participants and did not include harm to the public; and the purity of the cocaine would mean less risk for the community.

Those four points come from the transcript of the court case regarding this matter. To have this justification for the release of seven kilograms of cocaine coming from the Assistant Commissioner of the New South Wales Crime Commission is nothing short of a farce. This is not a controlled operation, it is incompetence on a commercial scale and it clearly demonstrates the practical application of the Government's law and order hypocrisy. For all of those reasons, including the inability of law enforcement agencies to properly administer their powers under the existing law, this bill should be opposed.

Reverend the Hon. FRED NILE [11.45 a.m.]: The Christian Democratic Party supports the Law Enforcement (Controlled Operations) Amendment Bill. The bill amends the Law Enforcement (Controlled Operations) Act 1997 to expand the number of New South Wales senior police officers able to authorise controlled activities within New South Wales; to replace the provision relating to retrospective authorities; to incorporate nationally recognised cross-border provisions; and to provide for a further review to be undertaken. The bill arises from the National Leaders Summit on Terrorism and Multi-jurisdictional Crime, at which it was agreed that model laws for all jurisdictions should be introduced to provide mutual recognition for a national set of model powers for cross-border controlled operations. The cross-border provisions seek to facilitate mutual recognition of activities that have been approved in accordance with corresponding legislation in other jurisdictions. It is important to have uniform legislation in each State and Territory of Australia. This bill will achieve that aim. If the bill were to be defeated, New South Wales would be out of step with the other States and that would create serious problems in the future.

This bill is necessary because of the increase in organised crime across Australia, including New South Wales, particularly involving illegal drugs. To deal with crime gangs—not just those involved in drugs, but also terrorism and in the recent rash of robberies of armoured cars and automatic teller machines—on occasions it is necessary for undercover officers to become members of those gangs. In order that the officers are accepted as genuine members of the crime gangs, the officers must take part in criminal activities—although being mindful of lines that they should not cross in the carrying out of their duties. Given the level of organised crime in our modern society, it has become essential to adopt these crime-fighting tactics, otherwise police would be fighting organised crime with their hands tied behind their backs. They would not be able to gather the vital information they need to bring about successful arrests of those criminals. I put on record the appreciation of the Christian Democratic Party for police officers who undertake such undercover roles.

Recently I read in the media of officers claiming compensation for carrying out their duties, which can continue for more than a year, under immense stress. Often their mental health is affected when carrying out their assigned duties. One can only wonder why police officers volunteer for undercover assignments. They know that if they are ever identified as a police officer that their lives are at risk because gangs are ruthless enough to take the life of undercover police officers, and threaten their families or other relations if they can identify them. I note the New South Wales Ombudsman's 2004-2005 report states that the total number of operations has increased steadily over the past five years. That is not a criticism, but a sign of the efficiency of the New South Wales police force. The report stated also that controlled operations conducted by New South Wales police covered a variety of criminal activity that the police were endeavouring to uncover and prosecute those who were carrying it out. The report stated:

> The majority of operations involved investigating criminal activities associated with supply, possession, cultivation and/or manufacture of prohibited drugs. 351 controlled operations were connected in some way to prohibited drugs. 19 operations solely targeted firearm and other prohibited weapon offences.

We know that Ms Lee Rhiannon has been critical of firearms. Undercover officers are seeking to identify groups that smuggle firearms into New South Wales or that organise the stealing of firearms from security depots. The report continued:

> 16 operations targeted robbery, armed robbery, theft or stolen property offences.

I am sure that all members of the House have been shocked by what has become an almost reckless indifference by criminal groups who smash vehicles into the doors of supermarkets and other buildings that house automatic teller machines [ATMs]. They drag out the ATM, open it and steal the money. Undercover operations are vital in the war against crime. The report continued:

> There were 11 operations which involved the investigation of murder, conspiracy to murder or attempted murder. One involved investigating manslaughter. Four others were targeting offences relating to prostitution and four operations targeted fraud offences.

That is only a summary. I am sure that no-one would suggest that police should avoid being involved in any of those areas. It is vital to identify the ringleaders of gangs that commit these crimes, to lay successful charges against them and put them behind bars. The police service has had to upgrade its controlled operations to combat the efficiency of organised crime. If they had not we would become a laughing stock in the face of organised crime. I know that the bill provides retrospective authority.

Currently under section 14 of the Act a participant in an authorised operation who engages in unlawful conduct for the purpose of protecting any person from death or serious injury may, within 24 hours after engaging in that conduct, apply to the chief executive officer for retrospective authority for that conduct. The bill alters this to provide instead that the authorisation may be granted if the person who undertook the activity believed on reasonable grounds that there was a substantial risk to the success of the operation, to the health or safety of any person, or that evidence relating to criminal activity or corrupt conduct other than the subject of the operation would be lost, and that the person who undertook the unlawful activity could not avoid the risk otherwise than by undertaking the activity, as set out in new section 14 (5).

If there were more than one undercover officer and one officer thought that another officer's life was at risk he or she may have to take certain action. However, new section 14 (5) does not allow retrospective authority to be granted with respect to conduct giving rise to murder or any other offence for which the common law defence of duress would not be available, as set out in new section 14 (6). Controlled operations are open to supervision by the Police Integrity Commission and the Ombudsman's Office to ensure no abuse of the powers conferred in the legislation. We believe the legislation has enough safeguards and we support it.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [11.56 a.m.]: I speak on behalf of the Opposition, which supports the Law Enforcement (Controlled Operations) Amendment Bill. The purpose of the bill is fourfold. Firstly, it increases from 6 to 20 the number of New South Wales police as senior officers who are eligible to authorise controlled operations. Officers of or above the rank of assistant commissioner in addition to two officers of or above the rank of superintendent nominated by the commissioner will be able to authorise operations. Secondly, it replaces the provision in the Act that provides for the granting of retrospective authority for unlawful activities undertaken in the State.

Thirdly, it provides for a legislative regime under which law enforcement agencies may carry out cross-border controlled operations—those that are conducted across jurisdictions. This substantially adopts the provisions of a nationally recognised model law for such a scheme. Fourthly, it provides for a further review of the Act to be undertaken after a five-year period from the date of assent and for the report to be tabled in Parliament. I listened with some interest to the contribution of Ms Lee Rhiannon who, not surprisingly, took the diametrically opposed position yet again. It is a classic example of playing the margins. The Greens know that if they can be the odd one out on every issue that 99.9 per cent of people say, "This makes commonsense." They can gather the crumbs from that little slice and put it together with the slice on the next issue that arises.

The Greens continually build the slice until eventually they have enough cake to get themselves elected into Parliament. Their approach flies in the face of commonsense in respect of the continual finetuning, the need to protect officers, the need to protect the community and the need to protect evidence. The legislation does not unleash the dogs that, if one were to believe the Greens, would somehow allow controlled operations in New South Wales to become out of control. Ms Lee Rhiannon referred to the 416 controlled operations reported in the Ombudsman's report, but the sorts of offences these officers are working on are not summary offences or minor matters. Invariably they involve the upper echelons of criminal activity within our community. This legislation and its continual development provide a framework in which police can do their jobs effectively on our behalf. Up until the term "controlled operations" came into being it was basically Rafferty's rules.

As someone who has been an undercover officer during investigations of corrupt police officers and who has worked in this field, I know it can be very unclear to police officers where their roles, responsibilities and authority end. Unlike the Hon. Lee Rhiannon and the Greens, who have an unusual view of the world, police officers, when undertaking an undercover operation, walk into a world where rules do not apply.

Rules most certainly do not apply in regard to police officers' involvement with gangs. If a police officer is dealing with corrupt individuals who have been targeted, the dynamics of a controlled operation change dramatically because the people the police officer is dealing with are not, for example, druggies or criminals who are involved in breaking, entering and stealing offences and the like. They are dealing with highly organised people who are in a position of authority and who are incredibly vigilant about people infiltrating their organisation and their network, and they continually test newcomers.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

JOHN HUNTER HOSPITAL AIRCONDITIONING

The Hon. MICHAEL GALLACHER: My question without notice is directed to the Treasurer. Can he confirm for the House when funding will be provided to install airconditioning in the John Hunter Hospital to relieve the discomfort of patients and staff? What is the timetable for the provision of funding? Can the Hunter's New England Area Health Service be assured that funding will be provided on a timely basis to allow installation to occur without delay? When does the Government guarantee that airconditioning will be available to patients and staff of the John Hunter Hospital in Newcastle?

The Hon. MICHAEL COSTA: It is quite clear that the Leader of the Opposition is trying to stretch the standing orders on this question, and he knows that. This question ought to be directed to the Minister for Health. I think the Minister for Health will be in a position to answer his question.

YOUTH WEEK

The Hon. AMANDA FAZIO: My question is addressed to the Minister for Disability Services. What action is the Government taking to celebrate Youth Week 2006?

The Hon. JOHN DELLA BOSCA: Youth Week, which runs from 1 to 9 April, highlights the talents of young people and the contribution they make to the community, brings attention to the ideas and issues which concern young people, develops strategies to address those, and increases community awareness about the issues and concerns of young people. In preparation for Youth Week, last week I had the pleasure of launching a five-week online forum to generate discussion about the issues facing young people with a disability.

The New South Wales Government has highlighted the achievements and potential of people with a disability through the "Don't DIS my ABILITY" campaign, which was initially developed with our youth in mind. Young people have enormous talent and energy to contribute. I urge them to share their thoughts in the online forum on a range of issues between now and 30 April, which is when the forum closes. I want to hear how young people believe their abilities are perceived by the general community, the challenges and opportunities they face as they leave school and enter the workforce, and what role their social connections play in their lives. The Government will carefully consider the ideas that are provided through the forum. I encourage young people with disabilities to share their thoughts through the online forum.

By hosting the forum online, the Government is seeking to communicate with young people in a way that is meaningful to them. To help to focus the discussion, the forum has been launched with three discussion threads: employment rights and responsibilities, social connections and challenging stereotypes. These three issues are of particular significance for young people. People with disabilities face challenges in the workplace and young people with disabilities face even greater challenges. Add to this the uncertainty and risks of the new WorkChoices legislation, and this group of young people become very vulnerable.

I urge young people to participate in the online forum to give a voice to the issues that affect them. Other Youth Week events include $300,000 for harmony projects across the State for youth representatives from every council to undertake projects to raise awareness of racism and harmonies in the community, and $240,000 for 152 councils to organise or support Youth Week events, such as community forums, music festivals and art exhibitions. For more information about Youth Week or to participate in the online forum, honourable members may refer to, or recommend to others that they visit, *www.youthweek.nsw.gov.au*.

PAYROLL TAX EXEMPTIONS

The Hon. DUNCAN GAY: My question without notice is directed to the Treasurer. Is it an accident or a deliberate act of bastardry by his Government that no areas west of the Great Dividing Range were included in his recent announcement of payroll tax incentives for businesses? What message does he have for the struggling businesses in the electorates of Dubbo and Bathurst?

The Hon. MICHAEL COSTA: Honourable members will be interested to know why I am being asked so many questions today. Yesterday I put out a press release saying that the Opposition has refused to ask me any questions on the negotiations with the Federal Treasurer, Peter Costello. I have had two questions already today. Isn't that wonderful? Look at them!

The Hon. John Ryan: Point of order: However witty the Minister's repartee may be, it has nothing to do with the question. He is debating the question.

The Hon. Duncan Gay: To the point of order: It also coincides with the fact that the Minister for Health and the Minister for Primary Industries are away.

The PRESIDENT: Order! I remind the Minister that standing orders do not allow him to debate the question.

The Hon. MICHAEL COSTA: The New South Wales Government has a proud record in relation to payroll tax, in particular the recent tax concession. The Deputy Leader of the Opposition asked me why this concession does not apply to certain regions. The policy applies to regions that have higher than average unemployment. If the honourable member would like these regions to have higher than average unemployment, I think the people of those regions would be very surprised that he is advocating greater levels of unemployment so that they may qualify for a benefit that is focused on social disadvantage. That clearly shows how absurd the Opposition is. The Opposition obviously does not have any policies and obviously does not care about the public or economic growth in this State.

The PRESIDENT: Order! I call the Deputy Leader of the Opposition to order for the first time.

The Hon. Duncan Gay: Why do you say it will not be affected by improved employment? Why does the Minister say that?

The Hon. MICHAEL COSTA: It is quite absurd for the honourable member to advocate in this House that a policy that is targeted to address social disadvantage should apply to a region that does not meet the criteria. The only thing the Opposition could be arguing then is for that region to have greater social disadvantage, which is completely absurd. The Government's policy makes a lot of sense. It focuses concessions where they ought to be applied, which is to areas where above average levels of unemployment exist. The concession is good and sensible and it is focused to meet the objective of economic growth and the disadvantage associated with regions where people do not have levels of economic growth sufficient to maintain average employment levels. I think the people who live west of the Great Dividing Range will not be very pleased to hear that the Opposition policy is to increase unemployment to above average levels so they can achieve a payroll tax concession. That is an absurd proposition. The Government's policy makes sense. The Opposition does not have any policies and that is why members opposite are caught in this bind.

PREMIXED MILK AND SOFT DRINK BASED ALCOHOLIC BEVERAGES

Reverend the Hon. Dr GORDON MOYES: I ask the Minister for Commerce a question without notice. Is the Minister aware of a study by the National Drug and Alcohol Research Centre that recommends, on the basis of a survey, that the Government should introduce a ban on the sale of premixed milk and soft drink based alcoholic beverages? Is the Minister aware that the research shows that most young people cannot taste the difference between these alcoholic beverages and non-alcoholic equivalents that are designed to be indistinguishable from the sweet drinks that children enjoy? If, as the Premier has said, the Government is prepared to consider any measures to protect young people from alcohol abuse, would the Minister agree with his comments in 2003 in this Chamber that some of these potentially dangerous products, such as mud slides, cruisers and breezers, are targeted toward children and should be banned, just as the almost identical milk-based moo juice was banned in 2003?

The Hon. JOHN DELLA BOSCA: I assume that Reverend the Hon. Dr Gordon Moyes asked me that question in my capacity as representing the Minister for Health for today. I refer the honourable member to some narrative that I am aware of in this policy debate, and indeed he would be aware of it because he has contributed to the debate. The study referred to by the honourable member reiterates something that is quite important about the changing pattern of alcohol consumption. The anecdotal observation is that transition from youth to adult in the normal transition that might take place in Western cultures, also often, but not absolutely, includes the transition to the consumption of alcohol. Although there might have been some rough patches in all generations, the transition is normally marked by what we might have thought of as acquiring a taste for various alcoholic beverages.

Generally speaking, for those of us are who are able to remember, there was a time when we were young enough to find the taste and smell of beer or wine not attractive and even repulsive. It took us a while in our late teenage years, or perhaps even in our early twenties, to acquire a taste for alcoholic drinks. Some people may wonder why we bothered doing that, why did we not drink low-calorie soft drinks? Some people may not have been healthy even doing that. The bottom line is that this is an important debate; it is bigger than the New South Wales jurisdiction or the national jurisdiction. The marketing of alcoholic products to younger people has become a global debate. That marketing has blurred the line on what used to be a fairly accepted transition from being a young person to an adult and acquiring a taste for alcohol.

For a variety of marketing reasons, the major global corporations and some gifted local entrepreneurs have decided to blur that line completely and make many alcoholic products look, smell and taste like soft drinks or milkshakes. There is very little mistaking that it is a deliberate program to blur the line between a young person's transition to adulthood and transition to acquiring a taste for alcohol. That is certainly problematic. There is also a suspicion by many people that it corresponds with a deliberate policy of marketing alcohol products to younger people, to try to recruit younger and younger people to the consumption of alcohol. Obviously that brings a higher risk of alcohol abuse later in life, and that is supported by research, and there is also the risk of alcohol abuse while young people are going through that transition.

These are important questions. The New South Wales Government led the way in partnership with the Commonwealth Government and the Victorian jurisdiction on formulating agreed guidelines for changing alcohol marketing. I admit that since the portfolio of drugs and alcohol was returned to the Minister for Health, I do not have the latest brief on the development in that debate. I am sure the Minister for Health will be able to

provide more detail about that. I am aware there is action in response to that research which is quite comprehensive and across the jurisdictions.

JUVENILE JUSTICE CENTRES SECURITY

The Hon. CHRISTINE ROBERTSON: My question without notice is addressed to the Minister for Juvenile Justice. Will the Minister provide information on what steps the Government has taken to tighten security in the State's juvenile detention centres?

The Hon. TONY KELLY: Juvenile Justice staff deal, by definition, with the hard core of young people who are the most difficult and hard to manage in the State, the young people who have committed crimes of great violence or who are prone to impetuous and dangerous behaviour. Juvenile detention centre staff are well trained and well equipped to deal with that behaviour. However, even with such preparation, we must face the reality that on rare occasions detainee misbehaviour can threaten to spiral out of control, risking the safety and security of staff and other detainees. On 28 January this year such a situation arose at the Acmena Juvenile Justice Centre. In response to that disturbance I announced that the Government was considering the use of the specialist Corrective Services response teams to restore order in detention centres in extreme circumstances.

Today I inform honourable members that the Government intends to legislate to ensure that New South Wales Corrective Services response teams can intervene in the event of a serious disturbance or a riot in a juvenile detention centre. The teams will provide a reliable emergency backup for Juvenile Justice staff, just as they do for staff in the adult prison system. Those response teams consist of highly trained Corrective Services officers, equipped with the full complement of riot control equipment such as batons and shields. That decision will free up our hardworking police officers. who are currently called on to respond to those disturbances in the rare cases where Juvenile Justice officers call for assistance.

Also included in that legislative reform package are measures that support Juvenile Justice staff when they are dealing with violent detainee behaviour. The Government will legislate for a new power for the director general to order a lock down of an entire centre in the event of a riot, disturbance or other dangerous situation, to ensure that order is maintained. This means that a centre can be closed off and detainees locked in their rooms until otherwise directed by the director general. We need to remember that some of our detainees are young men in the prime of their lives. They are not just 14-year-olds; some are 18 and 19, and they are tough and physically mature. Handling violent outbursts by those detainees is part of the job for detention centre staff. It is a tough role, and the Government is committed to backing the staff. That is why we will also make changes to help prevent detention centre staff from being adversely affected by unsubstantiated allegations by detainees.

The Government is resolute that detainees will have the assurance that legitimate complaints will be investigated under the auspices of the appropriate oversight bodies. But by the same token, officers dealing with dangerous and violent young offenders need to be assured that if they respond and use force legitimately, they will not be persecuted for just doing their job. For that reason, the Government intends to make it very clear that an officer who has used force legitimately will not face being notified to the Commission for Children and Young People for reportable conduct. The Government is prepared to make the hard decisions and put in place strong measures to ensure safety and security in our juvenile detention centres. I advise the House that this announcement by the Government will not be the last word on legislation to tighten discipline in our juvenile detention centres.

GORDON WOOD EXTRADITION HEARING

Reverend the Hon. FRED NILE: I ask the Minister for Roads, representing the Minister for Police, whether 11 years after the brutal murder of Caroline Byrne on 7 June 1995 at The Gap, Sydney, Gordon Wood has been charged in London with her murder? Will the Minister outline the procedure for the extradition hearing in London, United Kingdom, and the timetable for the prosecution of Gordon Wood in Sydney following the success of the extradition proceedings? Are sufficient resources allocated to ensure the success of the prosecution case?

The Hon. ERIC ROOZENDAAL: I note that there is a lot of media interest in this situation. I am advised that following a request by NSW Police, Mr Gordon Wood has been arrested in London by the Metropolitan Police in relation to his alleged involvement in the death of Miss Caroline Byrne. As this matter is now subject to extradition proceedings it is not appropriate to comment further.

LEURA RESPITE FACILITIES

The Hon. JOHN RYAN: My question without notice is addressed to the Minister for Disability Services. Has the Greystanes respite facility at Leura now closed permanently? Is it true that staff at the Faulconbridge Road respite facility have refused to care for some former residents of Greystanes because of concerns that they are not properly trained to provide the required level of medical care for those residents with significant disabilities and high support needs? Why did the Government close Greystanes if appropriate alternatives were not available? Has the Government considered the offer from Disability Enterprises to purchase property in the Blue Mountains for a new respite facility if the Government provides recurrent funding for staff?

The Hon. JOHN DELLA BOSCA: The Hon. John Ryan referred to a difficult issue. Change can be difficult. It is even more difficult when changes occur with essential services, like disability respite, or accommodation. The Government had to close Greystanes as it was no longer suitable for providing disability accommodation services. For many years the Government progressively has been closing larger, older style institutions. I refer the honourable member to the fact that this is a policy not only of the Iemma Government; it was a policy also of the Carr Government, the Fahey and Greiner governments before that and, prior to that, the Unsworth and Wran governments. It is a policy that has gone on uninterrupted since the Richmond report in 1983. Greystanes is seeking an extension of that longstanding policy.

The Hon. John Ryan: Closed the school.

The Hon. JOHN DELLA BOSCA: I acknowledge the honourable member's interjection. He knows that there is no analogy between the closure of the school and the ongoing deinstitutionalisation policy. For many years the Government progressively has been closing larger, older style institutions. As part of this policy, Greystanes was identified for closure many years ago. I will obtain the exact number of years if the honourable member is interested in being precise. Greystanes' operator, a non-government organisation known as Disability Enterprises Leura, has been working with families and the communities since this time to assist them with the transition.

Disability Enterprises Leura has established seven community accommodation services in the Blue Mountains and Penrith areas to replace the Greystanes facility. All provide round-the-clock specialist support for former Greystanes residents. People who were using Greystanes for respite have been offered alternative respite options to meet their needs. Many of them can now access respite closer to home and family. For those who previously accessed respite at Greystanes, Faulconbridge is now able to provide care for people with high support needs, and $100,000 has been allocated to Western New South Wales to provide an extra 2,800 hours of respite. That is in addition to the $166 million that the New South Wales Government will spend on respite services this year.

The needs of people with a disability are a priority of this Government. Since coming to office this Government has more than doubled funding for disability services. On many occasions I have mentioned to the Opposition spokesman that we know some people with disabilities and their families need more help. That is why we are finalising a 10-year plan for disability services—a practical plan to deliver more help to people with disabilities and their families when and where they need it. This plan will provide support before people reach a crisis and deliver better value for the $1.1 billion the Iemma Government spends on disability services each year.

COWRA ABATTOIR LTD MEATWORKERS DISMISSALS

The Hon. IAN WEST: My question without notice is directed to the Minister for Industrial Relations. Will the Minister advise the House about the callous sacking of workers at Cowra abattoir?

The Hon. Michael Gallacher: What a disgrace!

The Hon. Duncan Gay: Shameful!

The Hon. JOHN DELLA BOSCA: I acknowledge the interjections from Opposition members. Despite the best efforts of the Federal Government, this morning meatworkers at Cowra abattoir have been able to go back to work. Let me be perfectly clear in advising the House of this important development. They are not back at work because of the Federal Government's WorkChoices legislation; they are back at work in spite of it.

The company's withdrawal of the dismissals is a direct result of public outrage about such unfair treatment of these meatworkers—public outrage after the New South Wales Government, the media, the Federal Opposition and unions drew attention to this blatant use of WorkChoices to disadvantage workers.

Members of The Nationals know that this is a cross-partisan issue right across Western New South Wales. Scarcely an advocate in the country community across New South Wales—Nationals, Labor or Liberal—would have supported this action at Cowra abattoir and the fact that the WorkChoices legislation allowed and encouraged it to happen. The dismissals at Cowra abattoir are a perfect example of how the WorkChoices legislation is intended to operate. So long as employers can make out a case—often a very dodgy case—that operational reasons formed part of their decision to sack their employees, the sackings are deemed legal. Both the Prime Minister and the Federal Minister for Workplace Relations know this.

Kevin Andrews reckoned the other day that the employer "may not" have met the full range of obligations, but he refuses to tell employees publicly and unequivocally that this sort of behaviour is illegal. He will not say it is illegal because it is exactly the type of behaviour that is endorsed and encouraged by the WorkChoices legal framework. Lawyers also know this. Take, for example, the statements made last week by Anthony Longland, a partner from Freehills. Mr Longland said that, if employers did not use the WorkChoices provisions—he was obviously touting for a bit of business—to "restructure" their work places and reduce labour costs, their competitors would beat them to it. He admitted exactly what I have been describing—the race to the bottom. Mr Longland took this one step further, admitting that the protections in WorkChoices for existing conditions were just "smoke and mirrors".

The Hon. Duncan Gay: Victims.

The Hon. JOHN DELLA BOSCA: They are not our victims; they are victims of the Opposition and its Commonwealth colleagues. There are hundreds of thousands of them. This is a representative from a law firm who has been paid almost $2 million by the Department of Employment and Workplace Relations to help write the WorkChoices laws.

The PRESIDENT: Order! I call the Deputy Leader of the Opposition to order for the second time.

The Hon. JOHN DELLA BOSCA: Josh Bornstein of Maurice Blackburn Cashman suggested that the Prime Minister and the Commonwealth Minister read their own legislation, which is not bad advice. He makes it clear that the so-called discriminatory protections in WorkChoices cannot stop employers sacking employees unfairly if operational reasons—which the legislation defines as being economic, technological, structural, or similar reasons—form any part of the decision to terminate the employment.

Employers do not even need to argue operational reasons because WorkChoices gives them an unfettered right to sack employees for no reason at all. I ask the Federal Minister: Have these employers been misinformed about their capacity to sack at will under WorkChoices? Will the Federal Minister and the Prime Minister intervene and get these workers back to work? It is crystal clear that the law protects nothing. [*Time expired*.]

CRIME COMMISSION COCAINE USE IN CONTROLLED OPERATIONS

Ms LEE RHIANNON: I direct my question without notice to the Minister for Finance. Is the Minister aware that the Assistant Director of the New South Wales Crime Commission, Mr Mark Standen, recently stated in evidence in court that he considered the supply of seven kilograms of pure cocaine as part of a controlled operation was "not likely to endanger any person"? Does the Minister agree with Mr Standon's stated reasons for this startling assertion, which include the assertion that cocaine overdoses do not cause death? Given that the Crime Commission believes the supply of seven kilograms of cocaine is not likely to endanger any person, will the Minister be ordering a re-examination of the priority placed on law enforcement efforts to prevent this drug from reaching the street?

The Hon. John Della Bosca: Point of order: Madam President, I seek your guidance. I draw your attention to the fact that Ms Lee Rhiannon just asked me a question explicitly about a matter that is currently before the House.

The Hon. Duncan Gay: And the courts.

The PRESIDENT: Order! I ask the member to repeat the last part of her question, as I did not hear it.

Ms LEE RHIANNON: Given that the Crime Commission believes the supply of seven kilograms of cocaine is not likely to endanger any person, will the Minister be ordering a re-examination of the priority placed on law enforcement efforts to prevent this drug from reaching the street?

The Hon. Amanda Fazio: To the point of order: I support the Minister's point of order because the question Ms Lee Rhiannon asked the Minister is, almost word perfect, a part of the speech she gave prior to lunch on a bill that is currently before the House.

Ms LEE RHIANNON: To the point of order: The material presented in my question is not linked directly to legislation that is before the House. I believe it would be in order for you to require the Minister to answer the question.

The Hon. Peter Primrose: To the point of order: Ms Lee Rhiannon's question seeks both an opinion from the Minister and a statement of Government policy.

The PRESIDENT: Order! Ms Lee Rhiannon's question is out of order on several grounds.

DEPARTMENT OF JUVENILE JUSTICE STAFF TRAINING

The Hon. CATHERINE CUSACK: My question is directed to the Minister for Juvenile Justice. Does the Minister stand by his response of last year to the report of the Select Committee on Juvenile Offenders? In that response he advised Parliament:

> Department of Juvenile Justice has collaborated with the Department of Corrective Services to enhance emergency and other relevant training for centre staff. Pilot training in Centre Emergency Procedures and for Centre Emergency Response Teams has been completed, and a full rollout of this training will occur early in 2006.

Did that rollout occur as promised? If so, has it been made redundant by the new legislation that the Minister announced on 1 February and reannounced today? Will the Minister release the report into the riot that occurred at Acmena on 29 January and explain why trained staff at Acmena could not get permission to use specialist equipment to quell the disturbance before it escalated into riotous behaviour? What is the point of giving Juvenile Justice staff training and equipment if they are not allowed to use it?

The Hon. TONY KELLY: I point out again that the member asked not one question, but about 20 questions. And I could not hear them all because the Hon. Dr Arthur Chesterfield-Evans was asking me a question at the same time! On 24 March 2006 the department gave me a comprehensive report into the causes and handling of the serious disturbance at the Acmena Juvenile Justice Centre at Grafton on the evening of Sunday 29 January 2006. Following the disturbance, a senior manager with lengthy custodial experience prepared a comprehensive review and recommended some security changes, and they have been implemented. The department's head of operations also flew to Grafton to evaluate the scene personally. Some constructive suggestions by local staff for changes, including easier access to riot equipment, have been implemented.

Police charged four detainees with a range of offences, including affray, assault and malicious damage. Juvenile justice centre staff are trained in how to cope with violent and dangerous situations. Acmena staff have been given special security training. In fact, last year they participated in a full-scale joint training exercise with police involving emergency responses. This training undoubtedly assisted in their response to the disturbance. The balance of the question from the Hon. Catherine Cusack I answered in my previous response.

F3 SPEED LIMIT

The Hon. HENRY TSANG: My question is addressed to the Minister for Roads. Will the Minister outline changes to the speed limit on the F3 between the Hawkesbury River and Mount White?

The Hon. ERIC ROOZENDAAL: I thank the Hon. Henry Tsang for his question and acknowledge his interest in this matter. This morning changes were announced to the speed limit on a northbound section of the F3 between the Hawkesbury River and Mount White. I am pleased to advise the House that from next Monday the speed limit on this six-kilometre section of the freeway will increase from 90 kilometres an hour to 100 kilometres an hour. Importantly, new technology has also been introduced in this area that will improve road safety. In an Australian first the speed limit will vary depending on the weather. When it rains automatic

sensors will cut the limit to 90 kilometres an hour. This major road safety initiative came out of last year's New South Wales Government Road Users Summit.

It is state-of-the-art technology. This new $2.3 million system will monitor weather conditions and automatically reduce and enforce the speed limit in wet weather. Road safety is a top priority for this Government. Weather stations and moisture detectors have been installed on the freeway. When the detectors pick up rain they automatically trigger a reduction in the speed limit to 90 kilometres an hour, and that limit is then displayed on variable speed signs along the section of the freeway. The entire system is linked to a fixed digital speed camera that will enforce the limit displayed.

This is an important road safety initiative for one of the State's major roads. The Roads and Traffic Authority [RTA] has advised me that there were 134 crashes on the Mount White section of the F3 between 2000 and 2004. Tragically, two of these accidents were fatal. I am advised that these crashes cost the community more than $3.5 million. Weather data shows that it rains more than 120 days a year on this stretch of the F3, with 57 per cent of all crashes occurring in the rain. The variable speed limit will reduce the risk of wet weather crashes on this section of the F3. The RTA expects this new wet weather and speed camera system to improve road safety significantly in the Mount White area.

The first rain-activated variable speed limit signs will be displayed five kilometres north of the Hawkesbury River Bridge. A second set of signs will be installed two kilometres further north. The fixed speed camera will be placed about one kilometre north of the first variable speed limit sign. It will enforce the legal limit displayed. There are also four static signs that clearly outline for motorists the different speed limits in both wet and dry conditions. An increase in the speed limit on a very popular section of the F3 is good news for motorists but it is also an important road safety initiative. As I said in the House yesterday, my message to the people of New South Wales as we approach Easter is to drive safety and carefully.

FOOD AND BEVERAGE BENZENE LEVELS

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: My question is directed to the Minister for Primary Industries, who is unfortunately not here today.

The Hon. John Della Bosca: You're right. I'll try to stand in for him.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I had hoped that there would be some such arrangement. Is the Minister for Commerce, representing the Minister for Primary Industries, aware of the recent concerns about benzene levels in drinks caused by the preservative benzoate reacting with vitamin C? What inspections are conducted of foods in New South Wales? Can the Minister guarantee that foods and drinks in New South Wales are checked for benzene and other hazards, and that the reaction pointed out in 1993 by Glen Lawrence is not contaminating any foods or drinks in this State?

The Hon. JOHN DELLA BOSCA: I thank the Hon. Dr Arthur Chesterfield-Evans for his question. As he correctly points out, the Hon. Ian Macdonald is absent today; he is on important business on behalf of the State of New South Wales.

The Hon. Duncan Gay: Which holiday destination is he at?

The Hon. JOHN DELLA BOSCA: He is not on holiday. He is pursuing a very tough working agenda. The Deputy Leader of the Opposition knows all about it—in fact, I am sure he fully supports the Hon. Ian Macdonald's important undertakings over the next day or so. I am not qualified to answer the Hon. Dr Arthur Chesterfield-Evans's question about benzene—and, unlike the Deputy Leader of the Opposition, I will not venture into an area that I am not qualified to comment on. I will await the Hon. Ian Macdonald's return with bated breath because I am sure that, as always, he will have the answer.

INFRASTRUCTURE PLAN

The Hon. GREG PEARCE: My question is directed to the Treasurer, Minister for Infrastructure, and Minister for the Hunter. Given that it is now more than nine months since the Hon. Michael Costa was appointed Minister for Infrastructure and more than 12 months since former Premier Bob Carr last announced an update to the State's infrastructure program, when will the Minister release a new State infrastructure plan showing the program and funding for the State's crumbling infrastructure?

The Hon. MICHAEL COSTA: Soon.

BIOSECURITY

The Hon. GREG DONNELLY: My question is addressed to the Minister for Rural Affairs. Will the Minister update the House on efforts to enhance biosecurity measures that protect our rural resources?

The Hon. TONY KELLY: Biosecurity has become increasingly important in recent years as agricultural industries look to protect themselves from a range of potential animal and plant diseases. A single case of foot-and-mouth disease could devastate Australia's beef, sheep and pork industries if it is not detected and controlled early. Therefore, fast and accurate diagnosis using state-of-the-art equipment is critical should this or any other disease strike in the future. The Minister for Primary Industries recently announced an important partnership that will further strengthen our biosecurity preparedness and response. This joint venture partnership, to be known as the New South Wales Centre for Animal and Plant Biosecurity, will see 400 plant and animal scientists from the Government's Elizabeth Macarthur Agricultural Institute and the University of Sydney team up on a range of key projects.

The Elizabeth Macarthur Agricultural Institute [EMAI] near Camden is already recognised as one of Australia's top diagnostic centres. It is the lead centre in diagnostics in New South Wales for Newcastle disease, pig viruses, avian influenza strains as well as plant diseases such as citrus canker. The University of Sydney also has an established, well-respected research capacity in a range of biosecurity fields. Strengthening the links between EMAI and the University of Sydney will deliver better results for industry as staff are able to take advantage of each other's skills and expertise; allow our top scientists to benefit from greater collaboration and idea sharing; enable shared access to the world-class facilities at each site; provide greater exposure of students to EMAI staff and cutting edge research, facilities and functions; and enhance existing joint projects currently under way.

Key project areas for the alliance include research and rapid diagnosis technologies for diseases such as avian influenza, west Nile virus, and Newcastle disease; the development of new vaccines and diagnostic tests to help control viral diseases in pigs and other livestock; further research into QX disease in Sydney rock oysters and Nodar virus in Australian Bass and Barramundi; and research to help minimise incursions of exotic pests and diseases in horticulture and cereal crops, such as fire blight in apples and pears, the papaya fruit fly, citrus canker, black sigatoka in bananas and wheat rust.

The Hon. John Ryan: Did we have to have a question like this before lunch?

The Hon. TONY KELLY: I acknowledge that interjection. In addition, the partnership allows us to work together to attract a larger share of external research funding from bodies such as the National Collaborative Research Infrastructure Strategy and the Australian Research Council grants. The sharing of facilities will also lead to improved communication systems. For instance, the Government has allocated $100,000 through the BioFirst Converging Technologies Program to link EMAI into the University of Sydney high-speed broadband network. There is no question that investment in science and research is integral to the success of our primary industries.

With the world's population expected to grow by 2.5 billion by 2050, it is vital that we have effective biosecurity measures in place to protect the quality of our agricultural products. Expanding global trade and increasing international travel can expose us to greater risks and more rapid spread of diseases and pests. Applied research is critical to protecting our industries—and making sure they remain competitive on the global stage. This new alliance is another practical step in the Labor Government's ongoing efforts to deliver the best biosecurity programs possible in New South Wales.

ROYAL EASTER SHOW PRODUCE

Mr IAN COHEN: My question is directed to the Minister for Primary Industries, who I did not know was on a journey to greater awareness. I am wondering whether his awareness extends to knowing that the annual Royal Easter Show opens this Friday 7 April. Is the Minister aware that with all the wonderful fruit and vegetables and other food produce on display at the show, no locally grown produce from the Sydney Basin will be shown? With a huge boom in the popularity of locally grown food, why does the Minister not show off some of Sydney's best produce at the Easter show? Is it not increasingly important for a host of environmental, economic, health and social reasons that we promote and protect our local producers? Will the Minister take up this issue with the Easter show organisers?

The Hon. JOHN DELLA BOSCA: The question in part went to the awareness of the Minister for Primary Industries. His awareness is positively transcended in these sorts of matters, and I am sure he will be able to give an appropriate answer to the honourable member. My understanding of the Royal Easter Show in Sydney has always been that it is an opportunity for the regions of New South Wales to showcase their produce and activities in the city, and that has traditionally been the way in which the Easter show—

[*Interruption*]

"The bush comes to town" was the interjection from the other side of the Chamber. The question is a very interesting one. I think I have been to almost every Easter show for the past 40 years.

The Hon. Melinda Pavey: Do you like the Ferris wheel?

The Hon. JOHN DELLA BOSCA: I like the Ferris wheel, I like the sideshows. I have noted that the south-eastern Queensland is always represented in the horticulture exhibit. I take my hat off to Mr Ian Cohen because in that time I have never thought of the anomaly that Sydney produce is not showcased. I am sure that the Minister for Primary Industries has an answer to his question so I will leave it to him upon his return to advise the honourable member.

Mr IAN COHEN: I ask a supplementary question. Is the Minister aware that the Sydney Basin is the largest producer of agricultural fruit and vegetables in the State?

The Hon. JOHN DELLA BOSCA: I am aware because the Minister for Primary Industries has made me aware. I have heard him answer questions from honourable members behind me and even perhaps from Mr Ian Cohen about this matter. Like many members I have increased my awareness of these matters by listening to the Minister for Primary Industries and occasionally to Mr Ian Cohen. I am confident the Minister for Primary Industries has the answer to this question, notwithstanding that this year's show will be over by the time he provides the honourable member with an answer. No doubt, the Royal Easter Show will be back in town next year, as it always is, and if there is a requirement to negotiate with the Royal Agricultural Society I am sure the Minister or others within his agency will conduct that negotiation. I am not sure, however, that the representation of the Sydney Basin is within the ambit of the traditions of the show.

SNOWY HYDRO LIMITED SALE

The Hon. MELINDA PAVEY: My question is directed to the Minister for Commerce. Will the Minister explain why, despite three months and 18 attempts later, he is not willing to organise a meeting with Tumut Shire Council and the shadow Minister for Tourism, the honourable member for Burrinjuck, regarding their concerns surrounding the Minister's decision to privatise Snowy Hydro Limited?

The Hon. JOHN DELLA BOSCA: Eighteen months?

The Hon. Melinda Pavey: I said 18 attempts.

The Hon. JOHN DELLA BOSCA: I am not sure about 18 attempts. I remember I met the honourable member for Burrinjuck in the corridor of Parliament House on one occasion and she may have sent me one piece of correspondence. I mean no discourtesy to her but I explained to her via my office that we were preparing a brief for the various councils and we wanted to be absolutely certain that our information was correct. Indeed, those briefings have taken place with councils. I will be visiting the Snowy region in the very near future and I am very happy to advise—

The Hon. Melinda Pavey: Do you want me to come down?

The Hon. JOHN DELLA BOSCA: I will be talking to Peta Seaton so the Hon. Melinda Pavey need not come. I have been giving more than adequate information to the councils along the lines requested by the honourable member. At the time I spoke to the honourable member for Burrinjuck I indicated that I did not have what I regarded as an adequate brief on the outstanding questions. I now have that brief and it has been passed on to the relevant councils. If there are still matters they want to raise with me, I will liaise with the honourable member and make good my undertaking, as I always do, to liaise with the community about these matters.

NATIONAL DOG HANDLERS SEMINAR

The Hon. KAYEE GRIFFIN: My question is addressed to the Minister for Justice. Will the Minister inform the House about the National Dog Handlers Seminar taking place today?

The Hon. TONY KELLY: This morning I had the pleasure of opening the 2006 National Dog Handlers Seminar and Biathlon at the John Moroney Correctional Centre complex at Windsor. More than 50 uniformed handlers with their working dogs were from Australia's military, the police, border security agencies, emergency services and corrective services. In fact, 10 organisations were represented from right round Australia.

The tough work of managing today's growing inmate population is greatly assisted by the dog units attached to modern correctional administrations. This is as true in Australia as it is in numerous overseas countries. This is an annual event and provides a valuable opportunity for those working in the K9 divisions of the nation's uniformed services to network and share knowledge of current practices and techniques.

The Department of Corrective Services' Drug Detector Dog Unit was set up in 1980 by our now commissioner Ron Woodham. The teams were trained by the NSW Police Dog Squad Section in handler protection and for serious incidents. In 1983 the unit relocated to the Windsor area. It comprised a 19-dog kennel facility and an administration building. Over the next 10 years the unit increased its numbers to approximately 10 teams, and the department was now training its own teams. In 1994-95 non-aggressive dog teams were introduced, with an active and passive alert response. In 2004 arms and explosives search dogs were introduced within the correctional and judicial systems.

The department's K9 unit has a full complement of 40 staff and 39 dogs. The K9 unit teams are housed at Kempsey, Grafton, Lithgow, Cessnock, Goulburn and the Sydney metropolitan area. The good news this morning is that the department is about to embark on creating upgraded accommodation for the dogs and their handlers. I can inform honourable members that this week tenders will be called for the construction of the new $1.8 million upgraded facility at the John Moroney complex. Completion is forecast by the end of the year. After looking at those dogs this morning, I am quite sure that having New South Wales Corrective Services dog units in Juvenile Justice centres will bring a great deal of security to those centres in the event of riot.

ELECTRONIC HEALTH RECORDS SECURITY

Ms SYLVIA HALE: My question is directed to the Minister for Commerce, representing the Minister for Health in that Minister's absence. In view of the remarks of Health's Deputy Director General, Health System Performance, reported in today's press, that sensitive medical information cannot be kept private, will the Government not only abandon the Western Sydney trial for electronic health records for children, due to begin in May, but also postpone the Hunter trial until the deficiencies of the information technology system are rectified and people's security and privacy are guaranteed?

The Hon. JOHN DELLA BOSCA: I thank the member for her question. I did note that report, though I think, at least in part, the comments of the deputy director general were misconstrued. However, I will get an answer from the Minister as soon as practicable and provide it to the member in the House.

DEPARTMENT OF CORRECTIVE SERVICES REGIONAL COMMANDER COURT ATTENDANCE

The Hon. DAVID CLARKE: My question is directed to the Minister for Justice. What action has the Minister taken, or what action will he take, against the Department of Corrective Services regional commander who last month turned up at Bathurst Local Court in full uniform to defend a Department of Corrective Services employee who drove at 110 kilometres an hour in a 40 kilometres an hour school zone at Holmewood, between Blayney and Cowra, on 14 November 2005? What disciplinary action has the Minister taken against the employee, given that he was on his way to Cooma gaol in a Corrective Services vehicle?

The Hon. TONY KELLY: I thank the honourable member for his question. Obviously, I will test the veracity of the question before responding. If the assertions in the question are correct, I will provide a suitable response.

PARKES ROADS REPAIRS

The Hon. EDDIE OBEID: My question is addressed to the Minister for Roads. Can the Minister provide the House with the latest information on the repair of roads in and around the town of Parkes?

The Hon. ERIC ROOZENDAAL: I thank the honourable member for his question and for his interest in this matter. In November of last year families in the State's Central West suffered terrible hardship as a result

of severe flooding—the worst in 50 years. In one 24-hour period the town of Trundle recorded 132 millimetres of rain, with the weather bureau saying it was the town's wettest day since December 1889. Parkes recorded 130 millimetres of rain in the same period. Parts of the Central West were declared natural disaster areas and as such were eligible for natural disaster assistance. The New South Wales Government, via the Roads and Traffic Authority, provides funding for repairs to local and regional roads and bridges under the State Government's natural disaster assistance scheme. This provides 100 per cent of funding to State and regional roads and 75 per cent of funding to local roads.

I am pleased to advise the House that last week I visited Parkes with the hard-working member for Dubbo, Dawn Fardell, to announce that the New South Wales Government has allocated more than $6.6 million in funding—to Cabonne, Lachlan and Parkes shire councils—for road repairs following the impact of this heavy flooding. Of course, honourable members opposite would be familiar with the road network in that area: all 12 members of The Nationals spent the 2004 by-election being bussed around the electorate—including Mr 8½ Per Cent himself, Rick Colless. I can see a pattern emerging: The Nationals have more luck when Rick Colless stays home than when he actually goes out and campaigns. This money is about repairing the conditions on the area's roads as soon as possible so local communities can get on with their lives. It means improved safety and travelling conditions for motorists and their families driving through the area.

The funding of more than $2.5 million for Cabonne Shire Council, $2.2 million for Lachlan Shire Council and $1.9 million for Parkes Shire Council comes on top of previous funding allocations of $197,000 to the Forbes Shire Council and $242,000 to Wellington Shire Council to repair local roads in those areas also damaged by the floods. The member for Dubbo and I had the opportunity to inspect some of the repairs on Wongalea Road, just off the Condobolin to Trundle road. Mayor of Parkes council, Robert Wilson, showed us pictures of the devastation before repair work had begun. I have to say that the councils face significant costs in maintaining their road networks under very difficult conditions, and they deserve credit for the manner in which many of the problems that arose during the flooding have already been fixed.

While in Parkes I also had lunch with staff members of the local Roads and Traffic Authority regional office. I would like to extend my thanks to the Regional Manager, Lew Laing, and all the staff I met there—too numerous to mention now—for their very warm welcome and lunch. There are some wonderful people in the town of Parkes, as the Deputy Leader of the Opposition, Duncan Gay, would know—after all, he handed out how-to-vote slips all day at the Parkes East booth for a 21.8 drop in The Nationals vote. No wonder the Dubbo *Daily* said five days before the by-election:

> A Fardell victory … for the Coalition will be nothing short of a political disaster. If it can't win back Dubbo … its hopes of winning government in 2007 will be diminished severely.

The PRESIDENT: Order! I call the Hon. Melinda Pavey to order for the second time.

POLICE SHIFT HOURS

Reverend the Hon. FRED NILE: I ask the Minister for Roads, representing the Minister for Police, a question without notice. Is it a fact that the current 12-hour rostered shifts for New South Wales police officers are having a serious negative effect, according to reports from some of those senior officers, on the efficiency of New South Wales police and the health of police officers, certainly on their mental agility near the end of a 12-hour shift? Will the Minister conduct a major review of the 12-hour shifts with the purpose of restoring more efficient 8-hour shifts?

The Hon. ERIC ROOZENDAAL: I want to begin by saying that the New South Wales police force does a stunning job protecting the citizens of this State and doing its best to suppress criminal activity. Police face many trials and tribulations in their day-to-day operations. I pay tribute to the thousands upon thousands of police officers who every day go out into the community to protect us, doing their very best to make this a better society. They play a critical part in the defence of the community. In relation to the specifics of the question asked by the honourable member, I will take them on advice and refer them to the Minister for an appropriate response.

SOUTH-WESTERN SYDNEY INFRASTRUCTURE

The Hon. CHARLIE LYNN: I direct my question without notice to the Treasurer, Minister for Infrastructure, and Minister for the Hunter. I refer to the Bringelly and Edmonston Park land releases. What assurances will the Treasurer give the people of south-western Sydney that, firstly, smog pollution levels will

not increase and, secondly, there will not be a negative impact on infrastructure such as roads, schools and hospitals? What additional infrastructure will be approved for construction and completion before the first home is built?

The Hon. MICHAEL COSTA: That is very similar to a question I was asked earlier in question time about the State infrastructure strategy.

The Hon. Duncan Gay: It's not within a bull's roar.

The Hon. MICHAEL COSTA: It has to do with State infrastructure, of course.

The Hon. John Ryan: Point of order: The Minister appears to be an incredibly slow learner. Earlier in question time a point of order was taken against him for debating the question. He is now proceeding to debate the question he has been asked.

The Hon. MICHAEL COSTA: No, I am not.

The PRESIDENT: Order! I remind the Minister that he must not debate the question.

The Hon. MICHAEL COSTA: Earlier in question time I was asked about the State infrastructure strategy and I responded to that, saying that it would be released soon. This question is framed in a similar manner, therefore a similar answer is appropriate. The State infrastructure strategy will be released soon.

The Hon. JOHN DELLA BOSCA: If honourable members have further questions, I suggest they place them on notice.

DEFERRED ANSWERS

The following answers to questions without notice were received by the Clerk during the adjournment of the House:

POLLING BOOTHS DISABLED ACCESS

On 8 March 2006 the Hon. John Ryan asked the Minister for Disability Services a question without notice regarding polling booths disabled access. The Minister for Disability Services provided the following response:

(1) The Minister was not requested to provide advice to the Electoral Commissioner or to any employees of the State Electoral Office.

(2) The Electoral Commissioner advises that there is no plan for separate or segregated voting for people with disabilities.

(3) The State Electoral Office advises that it is preparing an Equal Access to the Democracy Plan for the 2007 State General Election. The purpose of the Plan is to improve access to electoral services for people with disabilities at the State General Election in March 2007. The State Electoral Office prepared a discussion paper on Equal Access to Democracy and circulated the document to peak organisations prior to holding three consultations with disability peak organisations. All suggestions from the peak organisations are currently being considered. The State Electoral Office will develop a Draft Equal Access to Democracy Plan which will be circulated to the participating peak disability bodies to enable them to consult with their members. The final Equal Access to Democracy Plan is intended to satisfy the principles of the Disability Services Act, 1993.

FIREARMS REGISTRATION FIGURES

On 1 March 2006 the Hon. John Tingle asked the Minister for Ports and Waterways, representing the Minister for Police, a questions without notice relating to firearms registration figures. The Minister for Police provided the following response:

NSW Police has advised me:

The number of registered firearms in New South Wales was 650,185 at the date of publication of the Daily Telegraph article in question. This figure was supplied to the newspaper by the Firearms Registry and includes stocks held by firearms dealers. No other figures were requested or supplied in relation to the article. The actual increase in firearms registrations since December 2002 is approximately 1.4*%, not 25% as claimed in the article.

MIDDLE EASTERN GANGS

On 1 March 2006 the Hon. David Oldfield asked the Minister for Ports and Waterways, representing the Minister for Police, a question relating to Middle Eastern gangs. The Minister for Police provided the following response:

Any suggestion that NSW Police has gone soft on offenders from any particular ethnic background, or that this is in some way Government policy, is both erroneous and offensive.

As Minister, I do not interfere in operational policing. I do, however, support the fine work of our police and remain committed to providing the resources and legislative framework required for them to achieve results. To that end, this Government introduced new powers in December 2005 to ensure frontline police have full legislative support to deal with riotous behaviour, violence, thuggery and hooliganism—regardless of the ethnicity of the offenders.

As the police response to the events of 11 and 12 December is the subject of review by both internal police investigation and a working party convened at my request, I cannot make any comment on specific issues at this stage.

Questions without notice concluded.

[*The President left the chair at 1.02 p.m. The House resumed at 2.30 p.m.*]

PROTECTION OF THE ENVIRONMENT OPERATIONS AMENDMENT (WASTE REDUCTION) BILL

COURTS LEGISLATION AMENDMENT BILL

Bills received.

Leave granted for procedural matters to be dealt with on one motion without formality.

Motion by the Hon. Henry Tsang agreed to:

That these bills be read a first time and printed, standing orders be suspended on contingent notice for remaining stages, and the second readings of the bills be set down as orders of the day for a later hour of the sitting.

Bills read a first time and ordered to be printed.

LEGISLATION REVIEW COMMITTEE

Report: Legislation Review Committee Annual Review July 2004-June 2005

Debate resumed from 13 September 2005.

The Hon. PETER PRIMROSE [2.34 p.m.]: It gives me great pleasure to speak during this take-note debate today. As the committee was constituted in 2005, I was the chairman and the vice chair was the honourable member for Strathfield, Virginia Judge. Other members of the committee were the honourable member for South Coast, Shelley Hancock, the Hon. Don Harwin, the honourable member for Wollongong, Doreen Hay, the honourable member for Orange, Russell Turner, and the Hon. Dr Peter Wong. The committee's manager at that time, Mr Russell Keith, has remained with the committee as it is a currently constituted.

In its 2005 incarnation, the committee worked in a very energetic and a very co-operative manner—and although I am not a current member, I believe it still does. The quality of the reports produced by the committee is highly regarded by members of both Houses as well as by members of the public. Those reports are exceptionally valuable documents when legislation that will be debated the by Parliament is being considered. I do not wish to let this occasion pass without noting the contributions to the work of the committee that have been made by the Hon. Don Harwin. At all times his contributions were accurate and very perceptive. I know that all members of the committee and all members of the committee's staff welcomed his diligent work in contributing to the role of the committee. It is a great loss to the committee that he is no longer a member of it. Without exception we all welcomed and valued his excellent contributions as a member of the committee.

The scrutiny of bills and the scrutiny of regulations are probably the two most significant roles of the committee. I will focus on the scrutiny of bills for the purposes of the current discussion. In the 12-month period covered by the report, the committee published 16 digests that reported on 132 bills. In the previous 12-month period, from 2003 to 2004, the committee also produced 16 digests that reported on 143 bills. The bills that were considered during the period under discussion were the subject of many complex reports and included particularly complex legislation. The committee considered many detailed reports. The volume of the work of the committee and the extent of its deliberations during 2004-05 are reflected in the reports for that period.

The committee reported on every bill by the beginning of the sitting week following the introduction of the bill and the conclusion of the mover's second reading speech. The Act under which the committee operates allows the committee to report on a bill even if it has been passed by both Houses of Parliament or has been

enacted. This happens when the House declares that the bill is urgent or suspends standing orders so that the bill may be passed without delay. In the year covered by the report that is before the House, the committee reported on 15 bills after both Houses had passed them. Nine of the bills were passed by both Houses within two days of being introduced into the Parliament. The other six bills were budget-related bills that were introduced and passed immediately before the winter recess.

I turn now to examine a couple of the issues associated with section 8A (1) (b) of the Act, which sets out the scrutiny criteria to be applied by the committee when it is considering bills. The committee's functions can be divided into two broad categories. The first is scrutiny of how the bill may adversely affect personal rights and liberties. The second is scrutiny of provisions regarding the delegation and exercise of legislative power. In the absence of a specific legal definition of rights and liberties in the Act and in the absence of any other legislative statements relating to the content of rights and liberties, such as a bill of rights and responsibilities in this State, the committee takes a number of matters into account when it is considering legislation. The committee first considers rights that are protected under common law, such as the right to silence as developed by the courts. The committee then looks at rights protected under New South Wales and Commonwealth statutes, such as the Anti-Discrimination Act, which is a New South Wales Act, and the Commonwealth's Racial Discrimination Act.

Thirdly, the committee considers rights that are protected under the Commonwealth Constitution, including implied rights, and, next, rights protected under international law. The committee started to look at that area most intently during the period under consideration by the annual review. The committee closely examined the role of and our responsibilities under international law as it applies to State legislation. If Australia, a sovereign nation State, enters into a bilateral treaty with another country or a multilateral treaty with a group of nation states, how does that bind New South Wales, as a State of a nation State?

The Commonwealth is bound to exercise diligence in examining international instruments, so the committee began to look closely at this State's responsibilities as part of that broader nation State. Under the Australian Constitution we are bound by that legislation and those treaties. We looked at the rights that are protected under international law, especially those set out in international human rights treaties that have been ratified by the Australian Parliament. They included the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, and the Convention Against Torture.

The committee examined the decisions and comments of the principal international bodies that monitor international human rights treaties, including the United Nations Committee on Human Rights, the committees on economic rights, social and cultural rights, women's rights and children's rights, and the Committee Against Torture. I cannot stress strongly enough that these obligations are not imposed but have been voluntarily entered into and ratified by the Australian Government under the Constitution. Accordingly, we are voluntarily bound by that contract. The committee considered rights recognised in comparable jurisdictions, including rights established under the European Convention on Human Rights, the South African and Canadian Constitutions and the United Kingdom Human Rights Act 1998.

The committee also considered the sources of international law and the various academic and public debates on the interpretation of rights by various legislatures and courts throughout the common law world. Some rights recognised under international law, such as the privilege against self-incrimination, have longstanding traditions predating even the English common law. Other rights are new to Australian law and their scope and application are developing along with changes in society and technology, for example in relation to the right to privacy. Accordingly many issues arose during the committee's deliberations and they appear in the various reports of the committee. For instance, under section 8A (1) (b) (i) of the Act the committee examined various bills dealing with trespass on personal rights and liberties, including the issue of retrospective legislation.

The committee considered three bills with retrospective effect in the area of criminal law. The most serious example was the Crimes (Sentencing Procedure) Amendment (Existing Life Sentences) Bill 2005. By removing rights of review and redetermination, the effect of the law was to impose a substantially harsher penalty on the affected offenders than the original so-called life sentence. In Legislation Review Digest No. 6 of 2005 the committee commented:

> The legislative regime … is in substance inconsistent with the human rights standards established by the International Covenant on Civil and Political Rights [ICCPR], to which Australia is a party. Article 15 of the ICCPR provides that in no cases shall "a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed."

Accordingly, the committee referred this matter to Parliament for its consideration. The committee was attentive also to the growth in strict liability offences, the third most common issue identified by the committee during the reporting period. Strict liability offences do not require the prosecutor to prove a fault element; in other words, a person can commit such an offence without having meant to do so, whether or not they have a criminal intent. Strict liability is often imposed for regulatory offences such as speeding or polluting to ensure that all reasonable steps are taken to avoid the offence.

Under the common law it is presumed that the prosecution must prove fault in relation to the physical elements of a crime. However, the statutes examined by the committee actually displace that presumption, and it is a matter of interpretation whether the prosecution must prove fault if it is so explicitly provided. The committee also examined issues relating to fair trials, in particular, the right to silence, privacy, the rule of law, non-reviewable decisions, and insufficiently defined administrative powers, and also considered other issues such as trespass on rights and liberties, broad search and seizure powers, denial of compensation, excessive punishment, access to government information, and insufficient protection of children's rights.

Those matters were considered in the various reports presented to Parliament and the Houses made decisions accordingly. The committee strongly held the view, as was determined and specifically stated in the then Minister's second reading speech when the committee was established, that it is not a third chamber. The role of the committee is very specific: to inform the Houses, members and indeed the community as best it can and as fairly and as honestly as it can. It is then a matter for the two Chambers to make their own deliberations on the matter.

The committee decided to put out a number of reports seeking comment and discussion. Discussion papers dealt with the right to silence, the presumption of innocence, onus of proof, strict and absolute liability for offences, commencement of rule of law, and a range of other matters. Some discussion papers are still being produced and I presume and hope the new committee will continue that endeavour. I urge honourable members to read the annual review 2004-2005. This is a valuable committee and it presents valuable information. All members of the committee worked together and I believe they, along with staff, do an excellent job in seeking to inform the Houses of Parliament according to the Act that established it.

The Hon. DON HARWIN [2.48 p.m.]: On 13 September 2005 the Legislation Review Committee tabled its annual review for the 2004-2005 financial year. I served on the Legislation Review Committee from 1999 until 2003. Under the chairmanship of the honourable member for Bathurst, Gerard Martin, the committee established procedures and protocols, and a new joint committee was established by legislation in 2002.

Gerard and I travelled to Brisbane, Melbourne and Canberra to study how equivalent committees operated in those four jurisdictions. I had a motion on the *Notice Paper* to take note of the 2003-04 Legislation Review Committee [LRC] annual review, but debating joint committee reports in the time that we debate committee reports is a better procedure and something in which I also played a role. During its first year the LRC met 21 times and published 16 digests, reporting on all 143 bills introduced in Parliament. In 2004-05 the committee met on 17 occasions and tabled a further 16 digests, reporting on all 132 bills introduced that year. In its consideration of these bills the committee identified issues of concern that arose more frequently than others. In both reviews the most common issue that was raised related to commencement. The 2003-04 report noted:

> By far the most common issue for Committee comment is the practice of commencement of a bill by proclamation. Allowing a bill to commence on a day or days to be proclaimed in effect allows the Government to veto a bill by not commencing it at all. It also allows the Government to commence a bill in part only.

In each year the second most common issue identified by the committee was retrospectivity. While the committee noted that the retrospective provisions of most of the bills considered did not adversely affect the community, there were some instances where a bill retrospectively changed the law to reduce or remove personal rights, or otherwise adversely affect individuals. The committee's report noted that of particular concern were pieces of legislation deemed to have commenced either on the day on which a ministerial statement was made or on the date that the bill was introduced. In 2004-05 reference to the retrospectivity was raised in relation to 15 per cent of all bills considered during the reporting period.

I turn my attention to two issues that have been raised that are of an operational nature, and I want to draw those issues to the attention of the House. As well as reviewing all bills presented to the Parliament during the reporting period, the LRC is charged with the scrutiny of regulations. I am concerned that this aspect of the committee's brief is gradually diminishing. The origins of the Regulation Review Committee came from a strong move to cut red tape in the 1980s, although I know there has been concern about that issue for much

longer. Even though a review of regulations is part of the LRC's brief, I am concerned that it is diminishing. It was proposed in the 2003-04 annual review that a sub-committee be established for the scrutiny of regulations. The review noted:

> ... in its report on a Bill of Rights, the Law and Justice Committee recommended that, given the work-load, its proposed Scrutiny of Legislation Committee should be separate from the existing Regulation Review Committee. This was in line with the practice in the Senate where different committees consider bills and regulations.

Allowing the LRC to establish a sub-committee to consider regulations would parallel the operational approach in Victoria where the Scrutiny of Acts and Regulations Committee has a sub-committee to consider regulations while the committee focuses on bills. In the 2003-04 report the time frame during which the committee can consider bills was identified as one of the most significant challenges faced by the committee. That point was repeated in the 2004-05 report. The standing orders of the Legislative Council and those of the other place require only a five-day clear adjournment of the debate after the mover's second reading speech. That five-day period includes weekends. As both annual reviews commented:

> To allow its reports on bills to be available to Members in time for the second reading debate, the Committee tables its Digests at or before the commencement of the Tuesday sitting. To meet this deadline, briefing papers on bills for such meetings need to be completed by Monday at the latest. This leaves the Committee with very little time for full consideration of bills, especially in consecutive sitting weeks.

I regret that there has been some slippage on this issue since the annual review was carried out. Earlier, the Hon. Peter Primrose made some nice remarks about my contribution to the committee, for which I thank him. I also thank him for his efforts in the chair—a task that he handled extremely well. Whereas under his chairmanship the committee met on Friday, meetings are now taking place on Mondays and Tuesdays. This is delaying the issue of the digest to members and it is devaluing the work of the committee. It is an enormous pity that that slippage is occurring because it is limiting the value that the digest can make to parliamentary debates.

In the 2003-04 report the committee recommended that the standing orders be amended to allow more time for the scrutiny of bills. However, no such alteration has been made. I believe it is a matter that most certainly needs to be addressed. In other comparable jurisdictions the adjournment period allows for much longer examination and consideration of proposed legislation. In Victoria debate on bills is usually adjourned for two weeks. In Queensland the adjournment period was extended from six to 11 sitting days after a 1998 report from its bills scrutiny committee. There are at least two weekends between the printing and second reading in the United Kingdom. In New Zealand bills are adjourned for six months. In these jurisdictions there are procedures for bills to be expedited when there is an urgent need. The period of adjournment in our Parliament must be extended.

I draw the attention of honourable members to the operational issues section in chapter 4 of the LRC annual reviews for further information on this important issue. The 2003-04 annual review also reported that the time frame for the consideration of regulations had posed some difficulties for the committee. One of the committee's roles is to assist the Parliament to monitor and consider regulations. While the committee rarely recommends that a regulation be disallowed, it often comments on ways in which a regulation may be improved. Regulations are subject to disallowance for 15 sitting days after they are tabled. The 2003-04 report noted that while it was the committee's preference to conclude its consideration of all regulations within 15 sitting days:

> … on occasion the complexity of issues raised by a regulation, the Committee's workload, the frequency with which the Parliament sits, or the time taken to obtain a response from the relevant Minister prevent this being achieved.

To preserve the committee's jurisdiction to consider regulations after 15 sitting days, the committee is to request a member to give notice of a motion to disallow the regulation, known as a protective notice of motion. As the 2003-04 review noted, protective notices of motion were not the most appropriate means for extending the committee's jurisdiction as they suggested that the member giving such notice intended to move a motion to disallow when no such intention had been formed. In mid-November 2003 I, on behalf of the LRC, gave notices of motions for the disallowance of two regulations included in the Landlord and Tenant (Rental Bonds) Regulation 2003. I have previously told the House what happened to me when I tried to do that merely on behalf of the committee. The 2004-05 report notes that the Act was amended early last year to deal with that situation, which is welcome indeed.

The final operational issue that I wish to bring to the attention of the House concerns the commencement of bills by proclamation. In the 2003-04 review, as I have said, it was by far the most common issue that the committee addressed. However, in the 2004-05 annual review the importance of the point was

significantly downplayed. In a troubling change in approach, the committee largely stopped commenting on this issue. I consider the change to have been undesirable and I made that clear at the time. While I acknowledge that a degree of flexibility is necessary, it is not appropriate that the Government have unfettered ability simply not to proclaim pieces of legislation that the Parliament has passed. The Commonwealth Government's approach to the matter provides that, if a specific date for commencement is not provided, a bill normally should be either automatically commenced or repealed within six months of assent. I think that is better.

While it is cumbersome for the LRC to seek explanations of commencement dates for all bills commencing on a day or days to be proclaimed, I believe it was an important and worthwhile discipline in keeping the Government honest and accountable. Finally, I thank committee staff—the manager, Russell Keith, Mel Keenan and Indira Rosenthal, whom I believe are among the most professional and outstanding committee officers in the Parliament—for their good work and their unfailing assistance to committee members in what the review shows was a fairly arduous workload for members.

Motion agreed to.

GENERAL PURPOSE STANDING COMMITTEE NO. 4

Report: Management of the Sydney Harbour Foreshore Authority

Debate resumed from 13 September 2005.

The Hon. JENNIFER GARDINER [2.59 p.m.]: I have pleasure in supporting the take-note debate on report No. 13 of General Purpose Standing Committee No. 4 in relation to the management of the Sydney Harbour Foreshore Authority [SHFA]. I thank those Committee members who served on the inquiry. I thank also the secretariat staff who serve the general purpose standing committees so well. I offer special thanks to the then Director, General Purpose Standing Committees, Mr Steven Reynolds, and the then Principal Council Officer, Ms Beverly Duffy, who is now director of the general purpose standing committees secretariat. She was extremely helpful with the production of the report and continues to assist General Purpose Standing Committee No. 4 in an outstanding fashion.

The inquiry was generated by community dissatisfaction, which was expressed to various members of the House, about the way in which the Sydney Harbour Foreshore Authority had conducted some of its business. The committee examined a number of those issues and produced several recommendations that we believe will assist in addressing those concerns. The committee believed the future of Sydney Harbour foreshore should be viewed in the context of the overall development of the Sydney metropolitan region. One ongoing issue that was raised during the inquiry—and in other work of General Purpose Standing Committee No. 4 regarding planning matters—was the continuing wait for the production of the Carr-Iemma Government's metropolitan strategy. That strategy appeared eventually.

It is important to point out that the Sydney Harbour Foreshore Authority is a New South Wales Government statutory authority. It is responsible for the management of several significant public precincts within, and in some cases beyond, the Sydney Harbour foreshore. These include Darling Harbour, The Rocks, Pyrmont-Ultimo, Circular Quay, Ballast Point, White Bay and Luna Park. Much to the bemusement of some observers of the authority, it also has a management role at Cooks Cove on behalf of the Cooks Cove Development Corporation. The authority is regulated by the Sydney Harbour Foreshore Authority Act 1998. It was established in 1999 and took over from the Sydney Cove Redevelopment Authority, the City West Development Corporation and the Darling Harbour Authority. The Sydney Harbour Foreshore Authority does not receive any of its funding from Treasury but finances its operations from rental and other property income.

The Auditor-General, Mr Bob Sendt, pointed out in evidence to the committee that the Sydney Harbour Foreshore Authority is a relatively small player when it comes to ownership and management of the foreshore. It shares that role with 27 other government agencies. Some of the debate about the authority's role was generated by the multiplicity of agencies with some responsibility for the iconic Sydney Harbour foreshore. The important question of community consultation was the subject of much evidence and discussion during the inquiry. That theme has run through many of the inquiries conducted by General Purpose Standing Committee No. 4 and by other committees. The question of how the government and its agencies relate to people who are affected by, or who feel strongly about, the Government's work in particular areas was certainly an important issue during this inquiry.

Many inquiry participants had the strong perception that the Sydney Harbour Foreshore Authority had not been engaging in effective or genuine consultation. They expressed the belief that any consultation occurred too late in the process for people on the ground to feel that they had had any meaningful input in decision making by the authority. The committee heard extensive evidence on that point. One of the primary roles of the Sydney Harbour Foreshore Authority is place development activities. Although such activities consume a comparatively small and declining portion of the authority's business, they generated much of the criticism that was brought to the attention of the committee. Indeed, one community group suggested in evidence before us that the Sydney Harbour Foreshore Authority should be stripped of its property development role altogether.

The committee heard evidence that many of the authority's place management activities are funded from its developments. We believe that practice should be considered very carefully before it is implemented fully. The committee heard that sustaining the harbour foreshore precincts is a costly business and that revenue from the authority's remaining developments helps SHFA to meet local community service obligations. The authority creates and maintains parks in the public domain and it continues to provide foreshore boardwalks—that is an ongoing project—from Circular Quay to Black Wattle Bay. It maintains heritage restoration works in The Rocks, holds free public events in The Rocks and Darling Harbour, and develops and maintains roads infrastructure and other services for the people who use those precincts.

The inquiry focused quite a bit on the controversy surrounding Pyrmont-Ultimo. In the past 10 or 11 years that area has been transformed from a largely disused industrial precinct into a major commercial and residential district. Responsibility for the renewal of that peninsula, which began in 1994 with the City West Development Corporation, was transferred to SHFA in 1999. Because most planned development had been completed by the time of the inquiry the authority was in the process of handing responsibility for those localities to the City of Sydney. Nevertheless, there was considerable debate during the inquiry about the authority's role in that area.

The committee heard that the Minister for Planning had described the revitalisation of the precinct as an "undeniable success". But, interestingly, inquiry participants—many of whom live in the area—were less than impressed with the redevelopment. They suggested to the committee that the authority's commercial ambitions, its perceived disregard of community opinion and the lack of integrity of its management have led to overdeveloped and poorly planned suburbs. The committee did not hear any evidence in relation to the controversial allegation that SHFA was in breach of its statutory obligations by seeking to develop the former Water Police site. The committee did not receive any evidence to back up the allegation and it did not accept some evidence put to us that the authority's architectural competition for the area was rigged.

However, the committee believed the authority deserved criticism for rejecting an offer from the Royal Australian Institute of Architects to manage the competition and for meeting with the successful entrant prior to announcing the award. The committee believes that had an independent body conducted the competition the SHFA might have been shielded from some damaging allegations about its integrity and avoided the campaign for total open space. Some sections of the community strongly felt that an open space option should have been included in that competition.

The committee accepted that the SHFA fulfils its statutory requirements in relation to community consultation in that area, but some members of the community argued that it should go beyond the requirements that are set out for the SHFA. They believed that opportunities to participate in the assessment of a development or master plan are particularly inadequate, especially when compared to those we heard that were required of the Council of the City of Sydney. The Committee's recommendations in relation to statutory reforms are contained in the report. It suggested that those reforms should be accompanied by cultural or attitudinal change in the authority to overcome what was then the current negative perception among many residents that the authority was commercially driven and unresponsive to community concerns.

The committee was concerned about the role of the SHFA in relation to the Cooks Cove redevelopment. There was debate about whether the authority should continue to manage the Cooks Cove area. As one of the inquiry's participants said, it is unusual to make a submission to an inquiry that raises more questions than it answers. However, that comment encapsulates a widely held view among participants in relation to Cooks Cove. The authority's apparent lack of openness has fuelled suspicions regarding its commitment to local residents and their environment. Given concerns expressed during this inquiry about potential impacts of the proposed expansion of Sydney airport, the need for comprehensive community consultation would seem even more pressing.

The committee received a lot of evidence and did quite a bit of work in relation to the debate about the Luna Park reserve. The committee found that many of the criticisms directed towards the authority in relation to the Luna Park reserve were misdirected as most of the development decisions regarding the site were made previously, and continue to be made by the Department of Planning—or, as it was known at the time of the inquiry, the Department of Infrastructure, Planning and Natural Resources. Some of the decisions were made by the Minister for Planning and others were the responsibility of the Premier. I refer to the comment I made at the commencement of my remarks: There is confusion about the role of the SHFA. It oversees a relatively small area of the Sydney Harbour Foreshore, but it has quite a big profile.

The committee also looked at the SuperDome. In 2004 the SHFA made a $23 million bid to secure at 31-year lease on the SuperDome. However, as the former chairman of the authority, Mr Gerry Gleeson, was ill the committee decided not call him before the inquiry. Therefore, the committee was unable to make any formal conclusions about that bid process—although it was an interesting part of its inquiry. One of the issues that the committee came up against was the multiplicity of agencies, the ongoing vision statements, the State environmental planning policies and the regional environmental plans not coming to any clear conclusion because the Government was delaying the release of the metropolitan strategy. Eventually, the strategy was released but the committee believed it should have been done in a more expeditious fashion. The inquiry made five recommendations that are incorporated in the report. I hope that those recommendations will be adopted. I hope the image of the Sydney Harbour Foreshore Authority will improve as a result of the work of the committee. I thank all participants in the inquiry.

The Hon. JAN BURNSWOODS [3.14 p.m.]: I shall contribute to the take-note debate on the report of General Purpose Standing Committee No. 4 entitled "Management of the Sydney Harbour Foreshore Authority", which was tabled in June 2005. I want to make a few comments about the report and its recommendations. I refer to the inquiry and to some things that are notably not in the report. Possibly this inquiry should have been discharged by the committee. There was a lapse of time between the committee's self-reference in April 2004 and the beginning of its hearings in February 2005. It reported in June 2005. Therefore, many of the concerns that were responsible for the initiation of the inquiry had ceased to exist or had become fairly irrelevant, and I think the report shows that.

I shall mention some things that came up early that had either changed or ceased to be relevant by the time the committee started conducting its hearings. The chair of the committee has mentioned a couple of them, but I want to make some comments. One issue that was notable early on, particularly from the point of view of Ms Sylvia Hale, was a concern about the development of Luna Park. Many of those concerns turned out not to be shared by everyone else on the committee and, indeed, that is one of the reasons why Ms Sylvia Hale produced a dissenting report. When the committee talked to people from Luna Park who had put in submissions and gave oral evidence it discovered a number of quite worrying things that were widely reported in the media at the time. One was that the so-called residents group in the area was counting people who had signed petitions as members of the residents group.

Another that became clear, and indeed was quite widely reported, was that the residents group was funded by one of the competing developers on the site behind Luna Park. I refer to an article on 18 April in the *Sydney Morning Herald* that gives the details of the names of the developers, which are quite confusing. The committee discovered from having talked to the chief executive officer of the residents group that he was earning a considerable salary paid for by the organisation and the developers who essentially were fighting one another over whose development might have a prime spot and whose development might ruin the views of other developments. Many of the issues that people had been led to believe were important in relation to Luna Park fell by the wayside because the situation turned out to be much more complex and much less clear cut in respect of environmental or resident issues than had originally appeared.

In some ways the committee had a similar experience in relation to Pyrmont/Ultimo, particularly the Water Police site. The State Government had sold that site to the Council of the City of Sydney at a very cheap price. It is interesting in retrospect to read the stories today and yesterday about the departure of yet another chief executive officer of Sydney city council under the regime of Lord Mayor Clover Moore. The reason given for his departure was this Water Police site. We heard much about its importance as open space. The argument that apparently has been going on behind the scenes at Sydney city council has led to an unseemly dispute between the mayor and the general manager in relation to a plan produced by the council on that site which showed a tall building located on the edge of it.

As I said, I find it interesting, looking back on some of the rhetoric that we heard, particularly from Councillor McInerney and others representing the city council, about the importance of this site for open space.

As they also pointed out, the State Government had sold it to the city council at a price that was something like only a third of its value on the open market. That was the second area in relation to which the delay in starting the inquiry, together with the slightly fevered atmosphere of the original self-reference, turned out to be unwarranted.

The third aspect I would mention relates to the SuperDome. Again, there had been much criticism of the SHFA's interest in purchasing the SuperDome. What tended to destroy the arguments about that purchasing interest was that, showing his usual business acumen, the late Kerry Packer, through his company PBL, outbid the SHFA and purchased the SuperDome. Although Mr Packer and his company never admitted the exact price, it was widely reported to be $26 million. So, again, the initial criticism of the SHFA for attempting to buy the SuperDome, and allegedly wanting to spend taxpayers' money unwisely, seemed to fall in a heap when it became clear that that well-known business person Kerry Packer had been prepared to pay many more millions than the SHFA had wanted to pay.

As the chair mentioned, the report has five recommendations, all of which are fairly harmless. I think the SHFA was very proud that this inquiry produced five such recommendations, because on the whole they really should be seen as being supportive of the SHFA. However, I would like to make a couple of comments about them. With regard to recommendation 2, the inquiry was bedevilled by a great deal of confusion about a number of things. One aspect that made the inquiry particularly difficult was the fact that numerous witnesses, in their submissions and in their oral evidence, kept attacking the SHFA's planning and consent functions. Recommendation 2 reads:

> That the relevant legislative and administrative arrangements be amended so that the Sydney Harbour Foreshore Authority's planning and consent functions are removed.

Government members strongly opposed that recommendation. We did so for three very good reasons. The first was that the recommendation is total nonsense because, as was pointed out over and over again in the course of the inquiry, the SHFA does not have any consent powers. Again and again we heard comments, sometimes quite heated or even hysterical, about how dreadful it was that the SHFA should have consent powers. Over and over again it was pointed out that the SHFA does not have any consent powers. Nevertheless this furphy continued and, to the Government members' great disappointment, it even surfaced in a recommendation. As I said, we opposed it; indeed, we strongly argued against it. We pointed to legislative and administrative instruments that showed that the SHFA did not have consent powers, but unfortunately to no avail. I think it is an indictment of the committee that this matter, which would have been very simple to clarify, was never properly clarified.

As to recommendation 3, I think it is good to call on the Government to fund a program to assist foreshore agencies to acquire all reserve foreshore land for public use. Who could argue against that? One of the reasons that such a call might be hard to argue against is that the Government already has such a fund. Nevertheless, I think it would be good to enlarge the fund. It is a pity that the recommendation is worded as if the existing fund did not exist.

Recommendation 4 deals with consultation with the community. Again, the recommendation contains nice words, and who could oppose them? But it is actually not necessary to amend the Sydney Harbour Foreshore Act to incorporate community consultation requirements because the SHFA is bound by the Environmental Protection and Assessment Act and already bound by those requirements. On the whole, as I said, the recommendations and the report are harmless. The reference was possibly something that need not have taken up so much time of the Legislative Council or its committees.

The Hon. GREG PEARCE [3.24 p.m.]: It is certainly correct that by the time the committee conducted its hearings it was frustrated in its ability to examine some of the matters that had been raised as concerns. That was due largely to the fact that the former chairman of the Sydney Harbour Foreshore Authority [SHFA], Mr Gerry Gleeson, was unable to appear before the committee, and the authority's former chief executive officer, Greg Robinson, who had been removed as head of Sydney Water over a conflict of interest, declined to attend. Interestingly, as a result of Mr Gleeson's non-attendance the committee resolved to ask for Mr Gleeson's files as a way of examining what he had been doing. Certainly to my amazement, the response from the Sydney Harbour Foreshore Authority chief executive was that no such files existed; that the former chairman did not keep his own files and that he did not use emails. So it really was very difficult to get to the bottom of that issue.

As has been mentioned, among the matters considered by the committee was the SuperDome. One of the issues about the SuperDome that arose was the apparent lack of involvement of Jennifer Westacott, the

Director General of the Department of Infrastructure, Planning and Natural Resources, as it then was, in the SHFA board's decision to endorse the bid. We discovered that in fact the business case for the bid had been sent to her after the board had made its decision. There were some other troubling matters regarding the way that the SHFA management seemed to behave. One of the concerns raised by a witness was the intervention by Rob Lang, Chief Executive Officer of the Sydney Harbour Foreshore Authority, in a letter to the editor published in the *Sydney Morning Herald* in which Mr Lang attempted to discredit witnesses who were giving evidence before the committee. That was quite extraordinary.

Asking questions of the SHFA evoked a level of antagonism directed against community members. I think most members who served on the committee were surprised by the extent of that antagonism, which was exhibited both by Government members in their questioning and by the approach of the SHFA executives. It was also noticeable that quite a lot of information about the authority was very difficult to obtain. For example, just with regard to consultants, we asked a question about the fees paid to Cox Richardson for the preparation of an open space report. That was only in relation to an $11,500 report regarding Pyrmont-Ultimo, but the details of it did not appear in the authority's annual report.

A number of witnesses were concerned about the way they were treated. They included Dr Edward Harkness, who made a significant complaint to the committee about his treatment by the Hon. Jan Burnswoods at the hearing. The committee published his letter of 26 February 2005 in relation to that member's behaviour. The committee heard that the SHFA had paid to the State Government dividends that the Auditor-General said totalled $58 million for one period, and heard of other payments of dividends by the SHFA to the cash-strapped New South Wales Government.

There were widespread concerns about the consultation process used by the Sydney Harbour Foreshore Authority. Although it is true that there was confusion about the role of the Sydney Harbour Foreshore Authority, or lack of a role, as a consent authority, it has a role in assessing certain development applications. It seemed that the community had the widely held perception that the Sydney Harbour Foreshore Authority was arrogant and secretive. The Sydney Harbour Foreshore Authority should pay particular attention to the committee's views that it should change its culture and the way it deals with the community. It is not that the SuperDome was purchased by interests associated with Mr Packer, but that the Premier stepped in at the last minute and directed the authority to withdraw its bid. It was a great shame and another example of former Premier Carr's risk-averse attitude, which has led to the current decline in the New South Wales economy.

The business case produced to us for the SuperDome showed a significant need for additional conferencing facilities for Sydney. The Sydney Harbour Foreshore Authority could see the opportunities it presented. One of the great shames is that we have not had a proper program to build on the success of the Olympic Games. It is an indictment of former Premier Carr's approach to running the State that he intervened to prevent the Sydney Harbour Foreshore Authority from purchasing the SuperDome. A week or two ago I noticed in the media that the SuperDome is now one of the two busiest facilities of its kind in the world. Good luck to the Packer organisation for recognising its potential.

The ownership of certain hotels in the area and their links with the Labor Party was raised on a number of occasions. I refer specifically to the hundreds of thousands of dollars of maintenance not undertaken by the consortium that owned the Mercantile Hotel, which included Paul Whelan, a former Labor Minister. However, the Sydney Harbour Foreshore Authority extended the lease and came to an arrangement. It is interesting to note that the business case prepared by the Sydney Harbour Foreshore Authority for the purchase of the SuperDome said that, "It is not considered to be a straight commercial acquisition. But more so it is about obtaining a major economic driver at the Olympic Park precinct." They wanted to get into the Olympic Park precinct and produce the benefits that should have been delivered by Sydney's successful hosting of the Olympic Games.

It was not just a matter of paying $23 million or $25 million. In the business case for the purchase of the SuperDome the Sydney Harbour Foreshore Authority said that the Government had invested heavily in the construction of the SuperDome to meet its Olympic obligations by contributing $146 million of the $207 million construction costs. Instead of Labor Party members criticising the private sector for purchasing the SuperDome, perhaps they should take some responsibility for the fact that this Labor Government effectively gave the SuperDome a gift of $146 million out of a total construction cost of $207 million in addition to providing a successful facility. Another area of concern was the apparent conflict of interest with Arena Management. I do not need to spend time on that, but I reiterate there were significant concerns about how the organisation has operated.

Pursuant to sessional orders business interrupted.

DESALINATION PLANT PROPOSAL

Production of Documents: Tabling of Documents Reported to be Privileged

The Clerk tabled, pursuant to the resolution 9 November 2005, documents relating to the desalination plant from the Department of Environment and Conservation New South Wales, received this day from the Director General of the Premier's Department, which have been masked and returned in response to recommendations made by the independent legal arbiter.

LAW ENFORCEMENT (CONTROLLED OPERATIONS) AMENDMENT BILL

Second Reading

Debate resumed from an earlier hour.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [3.35 p.m.]: Earlier I was speaking about the role played by law enforcement officers working undercover and the unique nature of their work. The members of the gangs they have to deal with do not know they are police officers, and they are expected to play a role in the criminal activity of the gangs. People like Ms Lee Rhiannon who say that undercover police are breaking the law must understand that these police officers turn up at a location that is part of the criminal network they are focusing on—whether that involves drugs, stolen luxury motor vehicles, corrupt police activity or corrupt behaviour by a public official—not knowing that at 10 o'clock they may commit a crime. They fly by the seat of their pants. I recall arriving at an undercover unit in Chinatown before the sun rose, wearing a dressing gown to give the impression that I had just awoken in case the unit was off—that is, in case we were under observation.

Anyone who might have the unit under observation would see me wearing a dressing gown, giving the impression that I got out of bed at 5 or 6 o'clock in the morning, unaware that the unit had been working and preparing for that day for some time. We would go out and engage in activity appropriate to our undercover operation. We would then go back to the criminal networks with which we were involved—they are now called "controlled operations"—and at 9 o'clock or 10 o'clock someone in the syndicate might say, "Let's go and do a break and enter", or "Let's go and steal a car to go and do something else" or "Let's get out a kilo of heroin and start cutting it into deals." The heroin would then be put on the table and cut into deals, or more substance would be added to the heroin to turn the one kilo into two or three kilos. This activity would take place in front of the undercover police. This legislation will protect such police officers.

One of the officers with whom I worked undercover—unfortunately, he is now deceased—took it upon himself to get a fake tattoo on his shoulder as part of his cover. He had always wanted a tattoo. He was on a job with me for a couple of weeks, but then went off on another job on the North Coast. When he came back to the first job, which was in and around the Kings Cross area, he had to have the tattoo put back on, but he could not remember on which arm the tattoo was placed originally. We could not remember either. Luckily, the people with whom we were dealing did not remember either. One day he was sitting at a hotel, the name of which I will not mention, drinking schooners of beer when one of the offenders of the group with which he was knocking around turned up in a car that we believed was stolen. Shortly afterwards he found himself at a location doing the job of a cockatoo—keeping an eye open—as the people he was with started to break and enter a house.

Honourable members should bear in mind that at that time technology was such that he could not pick up a mobile phone and ring somebody. Mobile phones at that time were as big as half a house! He basically just had to go along for the ride and watch this breaking and entering offence take place, knowing that the breaking and entering offenders were not the main targets. The role of the police officer was to get the confidence of these criminals in order to get closer to the real targets. The participation of this officer was just a sideshow, not the main game. Most people would be horrified at watching a breaking and entering offence occur, or any criminal offence for that matter. Most people would feel morally bound to do something about it, then and there. But undercover officers find themselves in situations that require them to stay focused on the main game. If they are able to clear up these additional offences later on, so be it, but that is not the main game. Their primary job is to participate in the controlled operation.

The gangs test the players by forcing them to become involved in criminal activity. Whether honourable members like it or not, breaking and entering offences are not necessarily dangerous and they are not the test. Usually, the test has an element of extreme danger to it. On occasions officers find themselves in

situations where drugs are being dispensed and they have to make a judgment about whether to use the drugs. If officers decide not to participate in such activity, it is very difficult for them to maintain their cover. We see this type of situation portrayed on television and many think that it does not happen here. Well, it does, and legislation of this type is designed to protect police officers when they have to participate in such activities.

Leaving aside police officers who are corrupt, it is very difficult for honest police officers to have to break the law in the course of carrying out their duties. Even though they know that they are protected, it is difficult for them to turn a blind eye to criminal offences that are occurring right in front of them, especially when on occasion they have to participate in the criminal activity. They are placed in a very difficult ethical and moral dilemma when they are confronted with such situations. As they become more involved in undercover activity, dealing with such dilemmas becomes easier for them. In that regard, it is the role of members of Parliament to maintain an element of supervision and responsibility to ensure that officers do not slip so far that they are unable to come back to a law-abiding life.

Undercover work can be a slippery slope for many officers who regularly see criminal offences committed before their eyes. They become openly involved in the use of drugs and see offences committed in front of them, and sometimes the edges of their training and judgment begin to fray. When this happens they are placed in a very difficult position. This is good legislation, but as members of this Parliament we are obliged to maintain constant vigilance to ensure that the government of the day protects officers engaged in undercover work. Part of that protection involves a system of rotation for undercover officers to ensure that they are not involved in undercover work for too long. In that sense, we trust the hierarchy of NSW Police to look after police personnel. We hear of instances when NSW Police has failed to do so, but in more instances than not the hierarchy of NSW Police has looked after its officers who carry out undercover work.

Members of Parliament should be eternally grateful to undercover officers, particularly those who perform undercover work that nobody really wants to touch—the anticorruption investigations. Police officers who undertake that type of work have to drop out from their roles as police officers and, quite often, from society altogether. Those officers have to cease all contact with colleagues and workmates with whom they have been associated for years. They have to assume new identities. Sometimes their families have to change their situations as well. Those officers are doing an incredible job. They have to take a massive step away from everyone they know and for all intents and purposes disappear off the face of the earth to be able to perform their tasks well.

Undercover work is an incredible experience. Legislation such as this puts in place parameters that have never previously been available. I hope this legislation continues to develop, contrary to what was said by Ms Lee Rhiannon earlier. I hope also that there will be a preparedness to accept that controlled operations are the only way that organised gangs, which unfortunately are spreading across our city, will be cracked. People involved in gangs are not dopes. They understand technology probably better than most members of this Parliament. They carry drop telephones, which they use for a week or perhaps a few days, and discard. They are able to pick up SIM [subscriber identity module] cards without any trouble. Honourable members should not let anyone tell them that proof of identity always has to be provided to get a SIM card. The whole SIM card system is a joke. Technology continues to work in favour of criminal gangs.

To effectively use technology, undercover officers need to infiltrate gangs and cross the line. Officers have to become part of the network or the syndicate so that technology can be used to infiltrate the gangs. The task is becoming tougher and tougher, particularly in relation to Middle Eastern gangs. One would be a fool not to accept that we have a problem in that regard in some areas of this city. Members of the Middle Eastern community live in fear. They are victims. When we hear police officers talking about insufficient information coming from Middle Eastern communities about shootings, that is not because people do not want to come forward. They want to come forward, but they are scared. They live in fear of attack and recrimination from a very small number of people who are operating in a criminal network within their community. It is becoming more difficult for police officers to infiltrate Middle Eastern gangs.

It is important for honourable members to be aware that as gangs strengthen, it is not possible for someone to walk off the street and infiltrate them. Even a police officer who has a Middle Eastern background is not able to simply turn up and say, "I want to be a member of your gang". Gangs want to know who they are, who their parents are. They want to know about their family, the town they came from, where they grew up—the whole box and dice. If the gang does not know absolutely everything about such persons, they will not let them in. The same applies to the Islander gangs that are carrying out armed robberies on clubs and pubs. They work on exactly the same lines: if they do not have a complete analysis of a person's background, family and personal details, that person will not get a foot in the door.

Ms Lee Rhiannon has said that we should not have controlled operations. Obviously we would all love controlled operations to be unnecessary—but we do not live in an ideal world. This legislation and undercover work carried out by police officers constitute what I describe as a gloves-off measure to deal with criminal activity. We need to be able to fight dirty and to play tough. At every opportunity we should try to get one up on these gangs and identify criminal networks, such as gangs involved in drugs, gangs involved in armed robbery and gangs that exist within NSW Police. We should use whatever dirty means we have to infiltrate such gangs, to identify the members of the gangs, to root them out and, if possible, make sure they are put in gaol.

I am more than pleased to support this legislation. I look forward to observing its continuing development as time passes. At the end of the day, this bill is all about ensuring that police officers who carry out the most unsavoury and dangerous aspect of policing know that the Parliament will, rather than tighten up their job, put in place parameters to protect them so that they know how far they can go in their undercover work and the circumstances in which they can or cannot cross the line. They are entitled to know, when they are doing the right thing on behalf of all the people of New South Wales, that we will not throw stones at them to grab a headline when we do not know the truth. It is a problem that people go for sexy front-page newspaper headlines when the reality is that police officers are busting their backsides to try to wrap up an investigation.

Any suggestion that police who are involved in undercover controlled operations would be anything but horrified about a shipment of cocaine being released back into circulation is an absolute disgrace, and even the slightest suggestion of it disgusts me. I can guarantee that officers who witness drugs going back into circulation literally will do everything they can not only to try to get the drugs back but also to try to identify criminals involved in such syndicates and make sure that they are brought to justice. We entrust police with that job, and this legislation is about protecting them.

The Hon. PETER BREEN [3.50 p.m.]: I listened with interest to the remarks of the Leader of the Opposition. At the outset I have to say that I bring a different perspective to the Law Enforcement (Controlled Operations) Amendment Bill than that brought by the Leader of the Opposition. When people who are innocent of crime are caught up in controlled operations and police investigations, they are put under pressure in situations that they could never anticipate in their wildest dreams. I have a firm belief, based on my experience with these operations, that those people need to be protected. However, the bill does not adequately protect innocent people.

A controlled operation allows a police officer to undertake an activity that would otherwise be unlawful but for the enabling legislation. Controlled operations are already permitted under the 1997 Act. The purpose of the bill is to expand the number of senior police who can authorise a controlled operation, to give retrospective authority to controlled operations that were not properly authorised, to facilitate cross-border controlled operations and to provide for a review of the Act after five years. I note from the Government's briefing paper to crossbench members that the bill has been developed in consultation with the New South Wales Crime Commission, the Police Integrity Commission and the Independent Commission Against Corruption.

While the jury is still out on the Police Integrity Commission and the operations of the Independent Commission Against Corruption in relation to controlled operations, I suggest that the Crime Commission would not be able to track a wombat through wet cement without the benefit of this bill. Exclusive and coercive powers, including the capacity to undertake controlled operations, ought to be used in the most extraordinary circumstances. To increase the number of controlled operations, which this bill seeks to do, is way out of all perspective in relation to police investigations, in my opinion. These extraordinary and coercive powers have been extended far beyond the contemplation of those who originally established them when they were set up as Executive Government law enforcement bodies; I refer to the Crime Commission and the Independent Commission Against Corruption.

The ICAC and the Crime Commission cost New South Wales taxpayers in excess of $30 million each year, and that money would be much better spent, in my opinion, if it were placed at the disposal of NSW Police. Executive Government quasi-police officers, which is what these investigators are, are really lazy investigators when it comes to using their extraordinary powers. It is surprising to me that although we have been catching criminals ever since Adam was a boy it is only in the past few years that we have found it necessary to use controlled operations. Extraordinary and coercive powers are often used as shortcuts in what would otherwise be more comprehensive and detailed investigations resulting from professional policing.

In my opinion those powers give front-line police a bad name. I have heard experienced prosecutors describe some investigators, particularly the Crime Commission, as cowboys. Information they present in

support of their investigations can never be taken at face value and the recommendations they make in relation to prosecutions are inevitably treated with caution, particularly when they involve the use of those powers.

The New South Wales Crime Commission is an investigative body established in 1985 for the purpose of intercepting serious crime and preventing serious criminals from acquiring assets from the proceeds of their illegal activities. In my opinion, the commission has failed both objectives; it spends its time sniffing around crime scenes looking for something to investigate and negotiating with criminals for the confiscation of assets after crimes are committed. In 2005 the Crime Commission confiscated property worth $16 million, which happened to be its annual budget for that year. In one widely publicised case the commission seized drugs worth $5 million and the offender forfeited substantial assets in return for a custodial sentence of just 12 months.

Giving coercive powers, such as those provided in the bill, to Executive Government investigators, such as the Crime Commission, blurs the line between politicians and an independent police service. Secret investigators respond to political pressure in a way the police never would. Also, although police are usually under-resourced, the Executive Government ensures its secret investigators are properly funded. Needless to say relations between politicians and mainstream police are frequently strained. For example, the former member for Cabramatta, the late John Newman, argued constantly with the then Local Area Commander, Superintendent Alan Leek, about policing. Five years before his death, Newman's electorate office was the target of a drive-by shooting. Newman left the bullet hole in the window to remind local police of their failings. Superintendent Leek gave evidence to the Coroner about his relationship with Newman, particularly the politician's endless complaints that police were not doing enough to protect him or the people of Cabramatta from Vietnamese criminals.

Superintendent Leek told the Coroner that while he agreed with Newman that police needed more officers on the street, all local area commanders had the same problem and they could not publicly complain about police numbers because it was a matter of public policy. Asked whether Newman complained to him about Fairfield Councillor Phuong Ngo, Leek said there were two matters he could recall. One related to an investigation by the Independent Commission Again Corruption in which Mr Ngo was cleared of any wrongdoing; the other was a complaint that the Mekong Club had not complied with a particular aspect of the liquor licensing laws.

The local area commander was given no information about Phuong Ngo in relation to any criminal matter. Indeed, Superintendent Leek appeared to have some sympathy for Mr Ngo in the way he identified the needs of the local ethnic communities. Asked how Phuong Ngo's views on policing differed from those of John Newman, Superintendent Leek gave this insightful answer:

> I think Phuong would have agreed that there needed to be more police presence, and he called for more police presence as well. He did differ though [from John Newman] in an understanding of the needs of non-English speaking background community members who had to learn that our method of policing and our judicial system was quite different to what they had been used to.

The policeman informed the Coroner that many members of the Cabramatta community originated from totalitarian regimes where police conducted summary executions. Those people needed to be educated that police were not an arm of government but acted independently. For that reason Superintendent Leek would not agree to have his photograph published in John Newman's newsletter. Newman also called for the deportation of migrants who broke the law and he published advertisements to that effect in Vietnamese and Chinese local newspapers. The local area commander refused to subscribe to those campaigns, arguing that all Australians—newcomers as well as those who were born here—are entitled to the same rights and privileges.

With the advent of Executive Government investigators and their coercive powers, such as controlled operations, migrants to Australia from countries run as police states are particularly vulnerable to pressure to co-operate with investigators. Standing commissions of inquiry employ press officers and frequently use press releases to promote their investigations, placing additional pressure on witnesses and those under investigation. A coterie of journalists schooled in court reporting and machinations of the parliamentary press gallery stand ready to do the bidding of investigators and politicians, often destroying any chance of an objective investigation or a fair trial. Opinion replaces evidence as the basis for inquiry and witnesses are dealt with not on the merits of the information they bring to an investigation but on the extent to which they support the popular theory of what happened.

I raised the John Newman murder investigation in this House on a previous occasion and I questioned the use of coercive powers by the Crime Commission. Honourable members would recall that Tuan Van Tran spent 18 months in prison, charged with the murder of John Newman, before he started telling lies to the Crime

Commission in order to save his own skin. He was immediately released from gaol and lives happily in Sydney with his wife and children. Officially, Tran is a protected Crime Commission witness who lives quite openly knowing that he has nothing to fear from Phuong Ngo, who was never the criminal conspirator painted by the Crime Commission. Phuong Ngo's alleged co-offenders, the so-called driver and the so-called shooter, were acquitted of John Newman's murder. As I said on a previous occasion, how can a man be guilty of a murder he is supposed to have organised when the only two people who were alleged to have carried out the murder have been acquitted?

During the John Newman murder investigation the Crime Commission used every trick in the book to put Phuong Ngo in the frame. Witnesses were lied to, intimidated, offered money, denied their due process rights, and subjected to coercive powers, including telephone intercepts and controlled operations. Most of the people who were the targets of those operations were refugees from Vietnam who knew something about secret police and how they operate. Harassing these people, placing them in compromising positions and then offering them the indemnities from prosecutions they needed, should not have been the tactics employed by impartial and professional investigators.

Last year I asked a question upon notice about the reward money and other issues to do with the investigation of the John Newman murder. The police Minister, Carl Scully, provided an answer that, in my opinion, represents a complete obfuscation of the issues. If the public had any idea of the investigative methodology of the Crime Commission, that is, the emphasis on opinion over hard evidence and the way the commission wheels and deals with informants and confidential witnesses, the Government could expect to hear loud and persistent calls for a royal commission into New South Wales policing.

In the case of the witness Bob, who provided Crime Commission investigators with most of their initial information about Phuong Ngo, the witness refused to give evidence for the prosecution in any of Phuong Ngo's three trials for the simple reason that his information about Mr Ngo's involvement with the murder of John Newman was pure speculation. The Crime Commission and other Executive Government investigators had the benefit of extensive coercive powers to assist them in their fact-finding role, and checking the facts ought to include sourcing anonymous information such as that provided by the witness Bob in the John Newman murder investigation.

No inquiries appear to have been made of the person who provided the information that led to Bob's speculation. Rudimentary questions of Phuong Ngo and his co-accused may have revealed a perfectly legitimate and innocent explanation for Bob's observations. Honourable members would know that Neil Mercer reported the issue of the Crime Commission's involvement in a controlled operation in an article in the *Sunday Telegraph* on 19 March. Other members referred to that article in their contributions. In that article Mr Mercer described a Crime Commission controlled operation that allowed almost 7 kilograms of cocaine to be sold on the streets of Sydney. People die from taking cocaine and it wrecks numerous lives.

The Crime Commission justified its operation on the basis that most of the proceeds of the sale of the drugs were recovered from the informant Tom. As usual, the Crime Commission is looking at the bottom line while remaining steadfastly blind to the moral issues and the harm it may cause by its zealotry. The Leader of the Opposition spoke about that incident and said that Crime Commission officers would be devastated by the consequences of that drug being released into the community. I can only say that proper precautions ought to have been in place to ensure that that did not happen. The cocaine distribution incident described by Neil Mercer is the kind of operation the Crime Commission is seeking to legitimise with this legislation. Following publication of Neil Mercer's article in the *Sunday Telegraph* I received a letter from an inmate at Long Bay gaol. The letter states in part:

> I note that you are part of a parliamentary inquiry into the New South Wales Crime Commission which in my opinion is not before time.

I should digress and say that I wish that part of the letter were true, but there is no current inquiry into the Crime Commission, although I agree with the letter writer that there ought to be an investigation of the investigators. The Crime Commission in particular ought to be answerable to a parliamentary committee. Returning to the letter from the prisoner, it continues:

> It has now been established that the NSW Crime Commission via one Mark Standen, has aided and abetted their witness to supply some 10 kilograms of cocaine although they are claiming that there was only 7 kilograms.
>
> This has similarities to another matter involving the NSW Crime Commission witness Mr Brown who supplied two NSW Crime Commission officers with some 7.5 kilograms of speed...

> This is evidence that [the Crime Commission] can supply large commercial quantities of drugs with impunity to the public.
>
> Why is this not considered illegal when the normal citizen is put in prison for the very same act?

There is something quite sinister in this bill, particularly in so far as it allows executive Government investigators retrospectively to legitimise their illegal activities. In a parliamentary library research paper by Rowena Johns published in 2004 reference was made to the activities of Task Force Gain, which is assisted by the Crime Commission. The paper refers to a Crime Commission controlled operation relating to the Hannouf brothers. The paper states:

> On 16 January 2004 Task Force Gain was involved in the arrest of the four Hannouf brothers. Two of the brothers, Ahmed and Rabbi, were arrested while selling amphetamines to an undercover agent in a police "sting" operation.

There is strong evidence the Hannoufs are serious criminals involved in extortion, kidnapping, car rebirthing and drug trafficking, yet the Crime Commission decided that the Hannoufs would be much more useful as witnesses than as defendants. The Hannoufs were no billed on kidnapping, ransom and drugs charges in return for their co-operation in assisting Crime Commission investigations. Here is a case of the Crime Commission using big fish to catch minnows. Apart from no billing the Hannoufs, the Crime Commission returned property to be confiscated as the proceeds of crime, including a factory at Bankstown, a petrol station and house in Halden Street, Lakemba, a property in Newbridge Road, Moorebank, and another property in Chiswick Avenue, Greenacre.

The controlled operation involving Ahmed and Rabbi Hannouf was carried out at Star City Casino on 17 January 2004. An undercover officer paid $177,000 to the Hannoufs for amphetamines. Facing serious charges and facing the prospect of losing their assets, the Hannoufs must have jumped at the opportunity to become Crime Commission witnesses. It would only be a matter of telling Crime Commission officers what they wanted to hear. This is the same modus operandi used by the Crime Commission in its investigation of the John Newman murder. Investigating officers used controlled operations and covert surveillance to get adverse information on prospective witnesses. Then the officers confronted the witnesses with the choice of co-operating with investigators or facing prosecution.

The choice was a simple one and the witnesses proceeded to give the evidence the Crime Commission needed to justify its prosecutions. Once a case goes to court the Crime Commission has done its job and sorting out the lies from the truth becomes a job for the judge and jury. The problem is that the adversarial justice system is not always about finding the truth. Many innocent people are wrongly convicted and the fundamental principle remains that it is better for 20 guilty people to go free than to convict an innocent person. Some mention has been made in debate of the risks to investigators involved in controlled operations. The risk is real and many police officers face an uphill battle proving that they worked undercover.

Michael Pelly and Leonie Lamont reported in the *Sydney Morning Herald* on 18 March that the Crown Solicitor's Office is playing hardball and resisting claims by police officers who suffered injuries to their health while they were involved in controlled operations. These officers ought to be supported. Their work is extremely dangerous and it is no surprise that their health sometimes suffers as a result. The Government should not resist claims for loss and damages, particularly when the evidence suggests that they are often willing to accept less than they might otherwise be entitled to in order to settle their claims. Police are not the only victims of controlled operations going haywire.

In the case of witnesses, whether they are lying to curry favour with the Crime Commission or telling the truth, they are often under extreme pressure, in particular, when they belong to an ethnic community that originated from a country where the police are judge, jury and executioner. Many of the tricks learned by the Crime Commission and used to secure testimony from the Asian community during the John Newman murder investigation are being used in the operation of Task Force Gain, as it investigates men of Middle Eastern appearance—or MOMEAs, as they are sometimes known.

Another witness in trouble with the Crime Commission is the man known as "Tom", who was the fall guy in the seven-kilogram cocaine operation that was referred to earlier. It turns out that Tom counted and bundled $24 million to pay the cocaine supplier. When it came time to give evidence, Tom told the court that he was unable to remember anything because he was so stressed by the failure of the authorities to give him assurances about how he would cope in the future. Kate McClymont reported in the *Sydney Morning Herald* on 10 March that Tom's memory improved when he received the assurances that he was seeking from the Crime Commission. The article continued:

> The witness confirmed on Tuesday evening he had received a letter from the Commonwealth Director of Public Prosecutions. The letter contained an undertaking from the DPP that it would not confiscate Tom's assets under proceeds of crime legislation …
>
> The court heard that last year Tom handed over about $880,000 in cash he had earned from drug deals …
>
> Tom said he had given the cash to the NSW Crime Commission to be held in trust while the parties worked out what was going to happen. It was not clear from yesterday's court proceedings what arrangements, if any, had been made about this money.
>
> It was also revealed yesterday that Tom was to receive a further $200,000 from the NSW Crime Commission to be paid over a four-year period.

That is the sort of wheeling and dealing the Crime Commission does every day of the week, without any external scrutiny or accountability. During budget estimates hearings last December when I asked Crime Commissioner Phillip Bradley about his accountability, he gave me the following answer:

> As I have told you on previous occasions, the oversight of the New South Wales Crime Commission comes not from the Police Integrity Commission, because we do not have police on staff, but from the ICAC, the Ombudsman, the processes we are involved in such as the Supreme Court, the District Court, in prosecutions and where we exercise our coercive powers there is a right under the Act for aggrieved parties to go to the Supreme Court. As I explained to you on the last occasion, there is also a right for those people to be legally assisted in that process.

Hearing that answer to my question, honourable members might think Commissioner Bradley is not only fully accountable but as nice as pie. I invite honourable members to consider Mr Bradley in another context: as interrogator of prospective Crime Commission witnesses. During the John Newman murder investigation Mr Bradley and Crime Commission solicitor Mr Giotto interrogated Thanh Duc Nguyen.

Until this point—July 1996—the Crime Commission had no real evidence that Phuong Ngo had murdered John Newman. The only information it had about Thanh Duc Nguyen was a video from a sting operation at the Ramada Inn two months earlier in which Nguyen and a wired-up witness, Charlie Chiha, discussed a photograph of John Newman. On 17 July 1996 Mr Bradley told Mr Nguyen that he was in big trouble for lying to the commission. The interrogators then had a break for half an hour, warning Mr Nguyen that he might want to spend the time thinking about the seriousness of telling lies to the Crime Commission. Mr Bradley did not mince his words. He said:

> Now in the half hour break that we're now about to have, I want you to think very carefully about that [telling lies] and when you come back, you're going to be asked whether you want to change any of your evidence. You see we know what happened in this matter. We know what happened to Mr Newman and we know who did it.

Without the benefit of a solicitor, Mr Nguyen had no way of comprehending his legal rights, even though the commission had told him that he was not obliged to answer any question that might incriminate him. He was threatened and intimidated to such an extent that he had no real option but to answer the commission's questions. The privilege against self-incrimination is pointless without independent advice as to what it means. On resuming questioning after the half-hour break, the commission interrogators played a video of the Ramada Inn meeting between Mr Nguyen and Charlie Chiha. They then asked Mr Nguyen why he had lied about discussing Phuong Ngo with Charlie and why he had lied about the photograph of John Newman. Mr Nguyen gave no answer. He was reminded:

> We know what happened [to John Newman] and we want you to tell the truth.

Mr Nguyen asked to make a telephone call to his solicitor and Mr Bradley insisted that he wanted to know whether Mr Nguyen had talked with Charlie about the photograph. Mr Bradley said:

> If you don't answer me you'll be committing an offence … we have many, many tapes here, not just this meeting. Do you understand? And we've tapped telephones. We have telephone conversations and we've put listening devices in rooms, other rooms, and we've taken lots of photos. And you can't come along here and tell some lies and then when it's demonstrated to you that you've told lies, that you call for your solicitor. I want to know what the answer is to my question.

The interrogation was adjourned for lunch, with Mr Nguyen refusing to answer the question about whether he had talked with Charlie Chiha about the photograph of John Newman. Early in the afternoon on the same day Mr Nguyen had a remarkable change of heart about who had given him the photograph and why he had given it to Charlie. Two police officers seconded to the Crime Commission, Detective Sergeant Mark Jenkins and Detective Fred Trench, interviewed Mr Nguyen for just over an hour. Detective Sergeant Jenkins asked the questions and Mr Nguyen provided the responses that the police were looking for. The interrogation was as follows:

Q30 Do you agree that earlier, prior to this interview, you told me that you had been approached by somebody?

A Yes.

Q31 Do you agree that you told me that that approach by that person, was to have John Newman killed?

A Yes.

Q32 Can you tell me who approached you?

A Phuong Ngo.

Q33 Can you tell me when this approach took place?

A During that year, but I not remember.

Q34 During what year?

A That year that John Newman died.

Q35 John Newman was killed in September 1994.

A Yes.

Q36 Are you saying to me that you were approached during 1994 by Phuong Ngo?

A Yes …

I have attempted to demonstrate that controlled operations put in jeopardy not only police but also prospective witnesses, particularly those from ethnic backgrounds where the police are all powerful. One could be forgiven for thinking the Crime Commission is all powerful, given the way it goes about its business. But I emphasise that the Crime Commission is not part of the police force in New South Wales and Crime Commission investigators do not appear on the radar of the Police Integrity Commission. I could not possibly support the bill before the House knowing that the cowboys of the Crime Commission are out there, ready to ride roughshod over the justice system with their extraordinary and coercive powers. I am confident that any extra powers given to the Crime Commission will be abused, and on that basis I oppose the bill.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [4.17 p.m.]: The Law Enforcement (Controlled Operations) Amendment Bill was enacted in 1997 to allow for the conduct of undercover operations that may involve law enforcement officers engaging in illegal activity. The authorisation of these operations fell to the chief executive officers of the major crime fighting organisations—NSW Police, Independent Commission Against Corruption, New South Wales Crime Commission and Police Integrity Commission—and the Commonwealth law enforcement agencies. The Act was first reviewed in April 1999 and enhancements were passed by Parliament in that year. Section 32 (4) of the Act provided that a further review of the Act be undertaken as soon as possible after 1 December 2002. The Ministry of Police undertook that review. The final report of the review was tabled in Parliament on 23 June 2004.

The Ombudsman, who oversees the operation of the Act, commented on the recommendations of the report in his 2005 annual report to Parliament. At that stage a two-tier system of authorisation of controlled operations was suggested, following discussions with the police. Tier one would be for serious crimes, such as murder, arson, terrorism, extortion, child pornography, kidnapping and corruption. This accounts for only about 5 per cent of operations. It was suggested that the present form of authorisation be retained for these crimes. A devolution of authority was then suggested for the other 95 per cent of matters, which would be tier two crimes. This plan seems to have gone by the wayside and we now have amendments that will devolve authorisation not to six executive officers but to 20 assorted officers.

There are four main amendments in the Law Enforcement (Controlled Operations) Amendment Bill. The number of authorising officers will be expanded from six to 20, there will be retrospective authorisation of a controlled operation, there will be authorisation of cross-border operations, and the Act will be reviewed five years after the date of assent. I believe it would be less dangerous if the number of people able to authorise controlled operations were expanded and if the suggested two-tier system were introduced. Because it has not been introduced, we now have less qualified officers authorising high-level operations and, coupled with that, the power to authorise these high-level operations retrospectively. Those two aspects of the bill have the potential to lead to bad decisions being made on operational matters and then those bad decisions being covered up by retrospective approval of the operations. In other words, the team covers its tracks. The Legislation Review Committee is concerned about the retrospective aspect of this bill, which trespasses on the rights and liberties of third parties.

The cross-border provisions are fine in theory, but coloured by the two previous amendments. A review after five years would seem to be much too long. I foreshadow that in Committee I will move amendments to reduce it to two years, given the gravity of the first two amendments. This is an expanding area of operations and generally deals with anti-drug activities. The Ombudsman's annual report of 2004-05 shows the number of authorised controlled operations. In 2000-01 NSW Police authorised 148 controlled operations; the NSW Crime Commission, 14; the Police Integrity Commission, nil; the Independent Commission Against Corruption, one; the Australian Crime Commission, one; the Australian Federal Police and the Australian Customs Service, nil.

In 2004-05 the number of authorised controlled operations were: NSW Police, 416, up from 148 five years previously; the NSW Crime Commission, 25, up from 14; the Police Integrity Commission, 10, up from nil; the Independent Commission Against Corruption, three, up from one; the Australian Crime Commission, two, up from one; the Australian Federal Police and Australian Custom Service, still nil each. The fraction of completed operations is smaller as only 283 of the 416 NSW Police authorised controlled operations were completed; 20 of the 25 the NSW Crime Commission operations were completed; and all the Police Integrity Commission operations were completed. In the United States of America Al Capone was eventually caught because he could not explain where his money came from; he was not caught as a result of a controlled operation. The report of the NSW Ombudsman states on page 5:

> The majority of the operations involved investigating criminal activities associated with the supply, possession, cultivation and or manufacture of prohibited drugs. 351 controlled operations were connected in some way to prohibited drugs. 19 operations solely targeted firearm and other prohibited weapons offences. 16 operations targeted robbery, armed robbery, theft or stolen property offences. There were 11 operations which involved the investigation of murder, conspiracy to murder or attempted murder. One involved investigating manslaughter. Four others were targeting offences relating to prostitution and four operations targeted fraud offences.

The report shows that 83 per cent of the total operations carried out by NSW Police involved prohibited drugs. The report notes that of those controlled operations 51 per cent had nil result, 45 per cent had arrests and charges, and 4 per cent had "other", such as electronic surveillance. One needs to look at the success rate of these operations and the object of the exercise. It seems to me that the object of the exercise is to catch people who are involved in illegal drug activities. An extraordinary amount of effort is put into drug enforcement. We all know that people commit crimes involving drugs because it is so lucrative. When prostitution was decriminalised the number of corrupt police was reduced. I believe there is a huge industry based on the illegality of drugs.

I understand—I do not have figures to back it—that it is more common for people to be arrested in relation to marijuana than hard drugs because there is more marijuana. Honourable members have heard about the use of sniffer dogs and the protocols for their use on railway stations. In the past I have spoken about the civil liberties aspects of that practice and the harm that is caused. No doubt, honourable members have seen movies such as *The Bourne Identity* with the heroic work of Matt Damon. I presume that young officers who go underground in controlled operations, risking their lives, initially think it is very exciting and macho. I know that undercover policemen work in circumstances where they can be shot and their family can be targeted at any time. It is extremely stressful.

Recently I read an account of an undercover policeman who had successfully infiltrated a gang and passed on information to the police. A gang leader accused another gang member of leaking information to the police, which he denied, and the gang leader said, "Yes, you have, you dog" and shot him dead. The man who was leaking the information to the police watched the whole episode knowing that gang leader had got the wrong fellow. He knew he would be next if information continued to be leaked. He left the police service and needed a lot of psychological counselling to get back on an even keel. I agree with the Leader of the Opposition, who said that the work of controlled operations is tense—I assume that he has been involved in that sort of work.

The controlled operations are mainly in regard to illegal drugs. The House should stop putting more people in gaol, stop getting more police and stop giving them more powers to chase drugs in this fashion. The United States of America will not deal with anybody who has been involved with illegal drugs and bullies everybody at the world level. The United States determines that the United Nations shall take that sort of view and has a religious crusade, but we have to think beyond that. Dr Alex Wodak has a 10-point drug law reform plan outlining what should be done. We should look more at tax and whether drugs should remain illegal and look less at the civil liberties aspects that increasingly puts the lives of young police officers at risk.

We do not seem to be successfully protecting our youth from the ravages of drugs. We criminalise the population and generate immense costs in relation to the prisoner population, which we all know is rising

horrendously. Prisoners do not seem to be rehabilitated, as most of them seem to escalate their activities and go back to gaol for more serious offences. It is time we thought beyond this limited legislation and adopted a more broad-based, lateral-thinking approach to solve society's problems. I oppose this bill. I urge other honourable members to do so as well.

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [4.29 p.m.], in reply: I thank honourable members for their contributions to the debate. I commend the bill to the House.

Question—That this bill be now read a second time—put.

The House divided.

Ayes, 22

Ms Burnswoods	Mr Gay	Mr Ryan
Mr Catanzariti	Ms Griffin	Ms Sharpe
Mr Clarke	Mr Kelly	Mr Tingle
Mr Colless	Mr Lynn	Mr West
Mr Donnelly	Reverend Dr Moyes	
Ms Fazio	Reverend Nile	*Tellers,*
Mrs Forsythe	Mr Obeid	Mr Harwin
Miss Gardiner	Ms Robertson	Mr Primrose

Noes, 6

Mr Breen
Dr Chesterfield-Evans
Mr Cohen
Ms Rhiannon
Tellers,
Ms Hale
Dr Wong

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 6 agreed to.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [4.30 p.m.], by leave: I move Australian Democrats amendments Nos 1 and 2 in globo:

No. 1 Page 18, schedule 1 [14], line 12. Omit "5". Insert instead "2".

No. 2 Page 18, schedule 1 [14], line 16. Omit "5". Insert instead "2".

The bill provides for a review in five years. However, given the widespread provision and the increase in the number of controlled operations, if they continue to increase at the current rate then an extremely large number of authorised controlled operations will be under way everywhere. We should reconsider the review time frame. The Ombudsman has expressed concerns, which have not been recognised in the bill. He suggested a two-tier system, but there is no evidence of it in the bill. It is important that the bill be reviewed in two years rather than five years. I ask for the support of the Committee in this matter.

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [4.40 p.m.]: The Government rejects the proposed amendments for the following reasons. Firstly, the Act is subject to continual monitoring and review by the New

South Wales Law Enforcement Agency. Secondly, the agency's compliance with the Act is monitored and reported on annually by the New South Wales Ombudsman. Thirdly, a five-year review period as proposed by the Government is both standard and more appropriate.

Amendments negatived.

Schedule 1 agreed to.

Schedules 2 and 3 agreed to.

Title agreed to.

Bill reported from Committee without amendment and passed through remaining stages.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Membership

The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner): I report the receipt of the following message from the Legislative Assembly:

Madam PRESIDENT

The Legislative Assembly informs the Legislative Council that it has this day agreed to the following resolution:

That Michael John Daley be appointed to serve on the Joint Standing Committee on Electoral Matters in place of Geoffrey Corrigan, discharged.

Legislative Assembly
5 April 2006

JOHN AQUILINA
Speaker

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Order of the Day No. 3 postponed on motion by the Hon. Tony Kelly.

NATIONAL PARKS AND WILDLIFE (ADJUSTMENT OF AREAS) BILL

Second Reading

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [4.45 p.m.], on behalf of the Hon. Ian Macdonald: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

This bill proposes the revocation of approximately 1,000 hectares of the Bargo State Conservation Area at Hill Top in the Southern Highlands and vesting that land as part of the corporate lands vested under the Sporting Venues Management Act 2002 in the name of the Minister administering that Act, namely the Minister for Tourism and Sport and Recreation.

Also included in the bill is an amendment to the Sporting Venues Management Act 2002, the main variation being to amend Schedule 1 to incorporate the land being excised from the Bargo State Conservation Area. The Department of Tourism, Sport and Recreation will develop the site as the Southern Highlands Regional Shooting Complex.

The state conservation area land to be revoked is presently under the care and control of the Minister for the Environment, the responsible Minister for the National Parks and Wildlife Act. In outlining these proposals, I am doing so with the full agreement of my colleagues, the Minister for Environment and the Minister for Lands, who have been consulted on the draft bill.

The Hill Top Rifle Range is presently an existing range located in the Bargo State Conservation Area. It comprises a single 800 metre full-bore range. It is licensed from the National Parks and Wildlife Service Division, Department of the Environment and

Conservation to the Southern Highlands Rifle Club until 2008. There are 6 other clubs in the region that will be consolidated to operate at this new facility.

The location of recreational and competitive shooting sites is, reasonably, a matter of which the community has a high interest. Large tracts of land are needed to allow for the varying shooting disciplines, including surrounding safe areas and configured land improvements to capture stray projectiles.

It is important that the shooting clubs continue to be provided with access to safe and well regulated sites. Consistent with the objectives of the States Shooting Club Development Program, one significant means of providing infrastructure support is through the development of regional shooting facilities and to consolidate ranges that are threatened by urban encroachment or environment issues. This approach also provides long term security of tenure for shooting clubs.

It is sound policy to bring the various shooting disciplines together in appropriate sites. Well governed regional committees can oversight, manage and promote their sport in a controlled environment and in accordance with lease, firearm licence and compliance requirements.

Bringing multiple shooting clubs and disciplines together frees up or reduces demand for other large tracts of land for shooting facilities. It also provides greater levels of certainty for shooting clubs whose current tenure is not secure and provides options for clubs whose current sites may not be appropriate.

Discussions facilitated by the Hon John Tingle MLC to identify a suitable site to establish a regional shooting complex were held with a number of Government agencies and the key shooting club stakeholders in the Illawarra. Shoalhaven and Southern Highland areas. Seven Clubs expressed interest. They are the Southern Highlands Rifle Club, Illawarra Regional Shooting Association, Illawarra Service Rifle Club, Kiama-Albion Park Rifle Club, "74" Pistol Club, Phoenix Pistol Club and Illawarra Branch, Sporting Shooters Association of Australia.

The present Hill Top Rifle Range site was identified with the best potential to be developed as a regional shooting complex for these Clubs. The proposal is to develop the existing site (800 metre full-bore range) by providing an additional rifle range (500m x 100m) and a pistol range (50m x 100m) along with basic infrastructure facilities. These disciplines cannot be conducted on the current full-bore range.

Funds for the regional shooting complex development have been allocated through the Department of Tourism, Sport and Recreation's Shooting Club Development Fund. The total site would allow future development possibilities to incorporate other shooting disciplines.

In terms of conservation values, the site for the proposed regional shooting complex supports primarily sandstone vegetation communities that are well represented in the vast reserves that surround Sydney. A large part of the site, approximately 80%, will remain vegetated and act as a safety envelope for the shooting complex once it is established Vegetation clearance should not disturb glossy back cockatoo habitat or individual plant specimens.

In respect of Native Title issues, the Crown Solicitor has advised the Government that the Bill before the House needed to vest the land in a relevant body in order to be valid under the Commonwealth Native Title Act 1993. The proposal to vest the land under the Sporting Venues Management Act satisfies the requirements for validity under the Commonwealth Act, and the "right to negotiate" regime in the Commonwealth legislation will not apply to the vesting.

The bill therefore provides that native title rights and interests existing in relation to the land detailed in the Schedule immediately before the revocation or reservation are not extinguished.

My colleague, the Minister for the Environment, can assure the House that the Department of Environment and Conservation carefully considers all alternatives to the revocation of land and their merits before revocation of land from a reserve may be considered. To off-set the excision from the Bargo State Conservation Area, the bill proposes to reserve certain Crown land to establish a new Bargo River State Conservation Area and the Yengo National Park.

A further addition of the crown land currently leased to the Illawarra Regional Shooters Club will also occur to the Dharawal State Conservation Area via gazettal action at a subsequent point. The total yield of Crown land to the state conservation reserve will be approximately 2,831 hectares, well compensating the loss from the Bargo SCA.

The Minister for the Environment is able to confirm for the House the conservation benefits that the compensation package will provide to the State. I offer this advice on his behalf to the House.

Firstly, the package includes a Crown land area of 552 hectares that comprises part of the Mellong Swamps, an inholding to the Yengo National Park on the Putty Road. This site is a long standing reserve proposal due to its unique wetland features and value as a fauna habitat. The site had been identified as a possible option to relocate the Phoenix Pistol Club from the Scheyville National Park. The Club however participated in discussions about establishing a regional shooting facility and is now committed to being part of the Hill Top regional shooting complex. This leaves the Mellong Swamps area available to consolidate within the Yengo National Park.

A second parcel of Crown land (1956 hectares) will be provided to allow for the establishment of a new park to be called the Bargo River State Conservation Area. This area provides a crucial stepping stone in the ring of reserved lands around Sydney, linking the Nattai and Blue Mountains National Parks to the Metropolitan Water Catchments in the east. They include the headwaters of the Bargo River and part of the Bargo Gorge system that supports several species of threatened flora and fauna. This addition is part of the Government's "Circle of Reserves" initiatives.

These two additions to the States conservation area holdings will be achieved via the bill. A third addition will be achieved through gazettal once the Southern Highlands Regional Shooting Complex has been completed.

The Dharawal State Conservation Area contains extensive areas of upland swamp and is considered to have high conservation value for its biological and catchment protection values. The proposed addition is a crown land inholding of 323 hectares within the existing SCA. Conservation groups have been lobbying for a number of years to have this parcel of land added to the reserve and it has been a long standing commitment of the Government.

This Crown land is currently leased to the Illawarra Regional Shooting Association for the development of a rifle range. The Association has withdrawn their Development Application for the site and will relinquish their lease concurrent with the development of the Southern Highlands Regional Shooting Complex. They will become a welcome partner in the regional shooting complex at Hill Top.

When this land becomes vacant Crown land, it will be available for gazettal under the National Parks and Wildlife Act as an addition to the Dharawal State Conservation Area. This will achieve a long sought after and most welcome upland swamp addition to this conservation area.

The Minister for Lands has endorsed the proposal to transfer the three parcels of Crown Land I have just detailed to the jurisdiction of the Minister for the Environment for administration as additions to the state conservation areas under the National Parks and Wildlife Act.

I am advised that the Department of Environment and Conservation has carefully considered the revocation and off-set compensation package. They confirm that the proposal is consistent with the principles detailed in their "Revocation of Land" Policy. That Policy requires that the compensatory land should be of greater size than the area of land to be revoked, have similar conservation values and, where possible, be adjacent to the reserve where land is being revoked.

The compensatory lands are nearly three times the size of the excision, have very high conservation values and two-thirds are adjacent to the Bargo SCA.

Additionally, the proposals have been presented to the National Parks and Wildlife Advisory Committee and the Sydney South Regional Advisory Committee. They support the bill and requested appropriate land management initiatives be implemented.

On going management of the site will be a high priority for the Department and the leaseholder. The Government will require that when the Southern Highlands Regional Shooting Complex is constructed, a Range Management Committee - equally representative of all users - is established to plan, coordinate and manage the site. A lease will be negotiated, in consultation with the Department of the Environment and Conservation, between the Department of Tourism, Sport and Recreation and the established Range Management Committee.

One of the responsibilities of the Committee will be to work with representatives of the Department of the Environment and Conservation to prepare a Land Management Plan. The Plan will need to identify the sites natural and cultural values, any threats to those values and appropriate management actions for the site.

This bill seeks to achieve a positive outcome for recreational shooting in the Illawarra and Southern Highland areas that will bring together on one site shooting facilities and ranges within a defined regional area consolidated into a single site. Equally significant, it will yield three highly significant and long anticipated additions to the NSW conservation reserve system. This includes two diverse and productive wetland areas within Dharawal State Conservation Area and Yengo National Park and a key regional corridor link joining the Greater Blue Mountains World Heritage Area to the southern water catchments and through to the Victorian border via the Morton National Park.

I commend the bill to the House.

The Hon. RICK COLLESS [4.45 p.m.]: I lead for the Opposition and indicate that we will not oppose the National Parks and Wildlife (Adjustment of Areas) Bill. The bill revokes 1,000 hectares of Bargo State Conservation Area south of Sydney and transfers it to the Minister for Sport and Recreation for use as a regional shooting complex for the Southern Highlands and the Illawarra regions. It replaces the 1,000 hectares with three parcels of land totalling 2,831 hectares, the first parcel being a new 1,956-hectare Bargo River State Conservation Area nearby. A further 323 hectares in Dharawal State Conservation Area, which currently are used by the Illawarra Regional Shooting Association as a rifle range, will be added by gazettal. The bill refers to 552 hectares that will be added to Yengo National Park at Mellong Swamps on the Putty Road. That area of land has no connection with the proposal, other than the fact that some years ago it had been considered as a location for the Phoenix Pistol Club. However, it has never been taken up.

I raise an issue of some concern about the offset ratio of three to one. To put 1,000 hectares aside for a rifle range and then to have the Government insist on 3,000 hectares going back into the national park estate is not entirely reasonable. However, it is a lot more reasonable than some of the offsets forced upon landholders in the western areas of the State, which have had offsets of up to 100:1 to approve land clearing for farmers to carry on their agricultural practices. I would like to hear the Minister's comment on that in his reply. If I were a sceptic I would say that the Government is including 3:1 to try to make this area a little more palatable to those who probably will oppose it later in the debate. I understand that currently an 800-metre rifle range at the site of the proposed regional facility, which is leased to the Southern Highlands Rifle Club, will be expanded to provide for an additional rifle range and pistol range.

The facility will accommodate six other shooting clubs—the Illawarra Regional Shooting Association, the Illawarra Service Rifle Club, the Kiama Albion Park Rifle Club, the 74 Pistol Club, the Illawarra branch of the Sporting Shooters Association of Australia and the Phoenix Pistol Club, to which I have referred. It is perceived that the facility could accommodate other clubs in the future. Members of some of those clubs have a long way to travel. Not all of them are from the Southern Highlands or the Illawarra. Clubs that have members in the north-west, such as the Phoenix Pistol Club, will have quite a distance to travel to the facility. In recent years New South Wales has produced some world-class shooters. We have an enviable record, particularly at the last Olympic Games.

The Hon. Duncan Gay: Hear! Hear! Michael Diamond.

The Hon. RICK COLLESS: Michael Diamond, as the Deputy Leader of the Opposition suggested. More recently, we have had success at the Commonwealth Games in Melbourne. I make particular mention of a young shooter, Michael Brown, who came from Inverell and achieved silver medal success. Those young people have done well in international shooting. I am sure the House congratulates them on their achievements. Our ability to continue that medal-winning tally at the Olympic Games and Commonwealth Games will depend on the continuing availability of top-class facilities in which the athletes can train.

This bill vests land in the control of the Minister under the Sporting Venues Management Act 2002. Currently that Act administers only one venue, the Sydney International Shooting Centre, at Homebush Bay. The Coalition questions why there are virtually no changes to the Act, other than adding the land at Hill Top to schedule 1. The existing Act created a trust to manage the Sydney International Shooting Centre, and the Act is all about the Sydney International Shooting Centre and its management. The new shooting complex does not sit altogether comfortably within the parameters of the existing Act.

No similar trust will be established for the Southern Highlands property. Instead, a range management committee that is equally representative of all the users will be established to plan, co-ordinate and manage the site with a lease negotiated between the Department of Tourism, Sport and Recreation and the committee. That is a totally different concept from the one applying to the Sydney International Shooting Centre. The central issue with which we are dealing is the excision of part of a State conservation area and handing it over to a group of shooting clubs for use as a shooting range.

In his speech during the second reading debate the shadow Minister raised some environmental concerns. He stated that 1,000 hectares of the Bargo River State Conservation Area will be excised and only 35 hectares of that land will be used on the shooting ranges, with a further 600 hectares of safety zone surrounding the ranges. He also explained that the topography of the land means that 1,000 hectares is apparently needed to get 600 hectares of safety zone. It appears that a large area of land is being given and only 35 hectares will be used for the shooting range, and that raises some questions. If the terrain was of such concern, why was another more suitable site not chosen? Why was a range of options not presented to the clubs?

Obviously the Coalition is concerned about how the other 965 hectares will be managed. Will it be left in an untouched state? Will it be subject to prescribed burnings and management? Will fire trails be maintained through it? The fact that the area of land is adjacent to the Nattai National Park, which is part of the Blue Mountains World Heritage area, makes these issues even more important and relevant. When it comes to looking after national parks and acquired lands in this State, the Government has an appalling record. The Coalition would not like to see an extension into this legislation of conduct that has caused the Government to acquire an unfavourable land management record. The Coalition does not oppose the bill.

Reverend the Hon. FRED NILE [4.52 p.m.]: The Christian Democratic Party supports the National Parks and Wildlife (Adjustment of Areas) Bill, which is very important legislation. It will resolve many problems confronting members of various shooting clubs and will ensure that sufficient area is set aside for them and guaranteed for future use. I too congratulate the Hon. John Tingle on his leadership in assisting to develop the project in co-operation with the Government and government agencies and on bringing about a successful conclusion. It is particularly pleasing that the process of bringing this bill before the House has included consultation with shooting club stakeholders in the Illawarra, Shoalhaven and Southern Highland areas.

I understand that seven clubs expressed interest in this legislation—the Southern Highlands Rifle Club, the Illawarra Regional Shooting Association, the Illawarra Service Rifle Club, the Kiama-Albion Park Rifle Club, the '74' Pistol Club, the Phoenix Pistol Club, and the Illawarra Branch of the Sporting Shooters Association of Australia. Honourable members are aware that I live in the South Coast area. I often meet people who are involved with these clubs, and I am sure they will be very pleased when this legislation is passed by the Parliament.

The Hill Top rifle range will not be created by this bill: the present site will be expanded. The shooting range is presently located in the Bargo State Conservation Area and it comprises a single 800-metre full-bore range. The purpose of the bill is to develop the existing 800-metre full-bore range by providing an additional rifle range measuring 500 metres by 100 metres and a pistol range measuring 50 metres by 100 metres, along with basic infrastructure facilities. The expanded range will be capable of catering for all shooting disciplines and all types of competitions. A large part of the site, approximately 80 per cent, will remain as native vegetation. It is not as though this bill provides for felling a forest or clearing land. The major part of the land will be retained as a vegetation buffer zone, and will act as a safety zone for the shooting complex when it is fully operational.

Agreement was reached after discussions between various clubs and various government agencies. The excision of 552 hectares of the Yengo National Park at Mellong Swamps in the Bargo State Conservation Area land—1,956 hectares in the new Bargo River State Conservation Area, and 323 hectares in the Dharawal State Conservation Area—will be offset by an exchange of land at a ratio of 3:1 in other areas of the State to increase the Crown's land reserve through the addition of approximately 3,000 hectares by gazettal at some time in the future. Consequently, the Christian Democratic Party is pleased to support the bill. We hope that members of the sporting clubs that will be affected by the legislation are satisfied and will enjoy a sense of achievement when they participate in activities at the shooting ranges.

We all know how well Australian competitors perform at international shooting competitions, such as at the recent Commonwealth Games and at the Olympic Games. If we are to maintain our sporting prowess and achievements in that discipline, adequate facilities must be provided so that competitors are able to further develop their skills. The Christian Democratic Party is pleased to support the bill.

The Hon. JOHN TINGLE [4.57 p.m.]: I do not imagine it will come as a surprise to anyone that, obviously, I support this bill. I know that there will be members of this House who oppose it on the basis that it has to do with firearms and because those dreadful people, the shooters, are all potential homicidal maniacs, and so on. Let me say to people who are opposed to anything to do with gun sports that this bill and its requirements meet the needs of literally thousands of law-abiding licensed firearms owners in the Illawarra, the Shoalhaven, the Southern Highlands and even further afield. In some places, people have been waiting for more than 30 years for a facility of the type this bill will provide. It does not strike me as unseemly or as action taken in haste to provide them with such a facility at this stage.

The provision of the facility is consistent with the Government's belief—which I have encouraged, honourable members will be surprised to hear—that a number of ranges should be rationalised into one complex. I believe that is better than having a number of smaller ranges dotted throughout the countryside, because it produces an economy of scale, economy of land use and maximum benefit from the resource by enabling people to make the maximum use of the land. Whereas an isolated range in a country area might be used once a week or once a month, the range that is the subject of this bill will be used on most days of the year.

As other speakers have noted, the initial impression gained from this legislation is that 1,000 hectares of land will be taken from the Bargo State Conservation Area at Hill Top. That is not the case at all. The bill will not take 1,000 hectares from a State conservation area at all. The 1,000 hectares referred to is the total area that surrounds the shooting complex, and that area will provide for safety zones and drop zones, et cetera. As all honourable members who have participated in the debate thus far have acknowledged, that 1,000 hectares will be replaced at the ratio of 3:1 by the addition of 2,831 hectares to the State's conservation reserves. That will be made up of 552 hectares in the Mellong Swamps, which are to be added to the Yengo National Park, on the Putty Road; 1,956 hectares to allow establishment of a new park, the Bargo River State Conservation Area; and 323 hectares of the Dharawal State Conservation Area, which was leased to the Illawarra Regional Shooting Association in 1995 and on which they paid a lease fee for many years without being able to occupy the land.

The Hon. Rick Colless made some interesting comments in his contribution. He wondered why this particular area was chosen. It was chosen because it is almost impossible to find land for a shooting complex anywhere in the State. It is difficult to comply with the requirements of native title and all the other provisions governing what a Minister for Lands, Minister for the Environment or Minister for Tourism, and Sport and Recreation can make available for shooting clubs. People have been waiting 30 years for this land and this is their third crack at getting it. First, in 1995 they were granted 323 hectares of the Dharawal State Conservation Area, which, at that time, was vested for sporting use. They paid the lease fee on it and then mysterious things started to happen. In the middle of the proposed area of the main range, suddenly a very rare tree appeared—just out of nowhere!

The Hon. Rick Colless: Was it a Wollemi pine?

The Hon. JOHN TINGLE: No, it was not the Wollemi pine, it was a species found on the eastern slopes of the Great Dividing Range. Following that, all sorts of mysterious rare animals appeared, almost overnight: yellow-breasted frogs, tree-dwelling snakes and animals no-one had ever heard of. It became very clear that the area had an absolute concentration of strange species that should not be disturbed. The Illawarra Regional Shooting Association said it would hold off on the proposal. The then Minister for Forestry, the Hon. Kim Yeadon, granted an area of land for a shooting complex in the Bodalla State Forest. The stage was reached where plans were laid out and the State Government allocated money to get it started. But it was then discovered that the range could not be laid out where it was suggested it could be by a former range inspector. So that plan was abandoned.

There has been a great deal of frustration. The shooters of south-eastern New South Wales owe a great debt to the Hon. Peter Breen, because he drew our attention to Hill Top. He said he did not want us to have a shooting range at Dharawal because he had wandered around there in his young days when it was in a pristine state. He said that we should leave Dharawal alone, and he suggested Hill Top. We looked at Hill Top, agreed it was a better area than Dharawal and we found that it was available. So we went ahead and established a shooting range at Hill Top. The National Parks and Wildlife (Adjustment of Areas) Bill was originally promised to people in the Hill Top area four years ago; they were promised that the provisions of this bill would be in place by Christmas 2004. We are not rushing with this bill; we have given every consideration to everyone's requirements.

The Hon. Rick Colless made the interesting point that of the 1,000 hectares, less than 20 per cent will be used or disturbed. The rest will remain as it is. However, it was agreed between the Hill Top Regional Shooting Complex Management Committee and the New South Wales Government that it all be maintained, that the fire trails be kept open. In addition, provided that they are allowed to do so I am sure the shooters in the area will be happy, in conjunction with the Game Council of New South Wales, to do what has to be done to control feral animals. That is a touchy subject, but I make the point that if any group one has the facility to control feral animals in the area, it is the local shooters. Am I wrong?

People who have not seen that part of the world and do not know its topography might not understand that the area does not comprise sweeping plains and grassland. It is a series of very high narrow ridges with very deep ravines between them. The ranges will be laid out on the top of the ridges but not in such a way, as someone in another place claimed, that would produce lead pollution. It will not. No lead can fall into any of the waterways, including those that feed the Sydney catchment. Can anyone imagine the National Parks and Wildlife Service and the New South Wales Department of Environment and Conservation, who have been through this proposal with a fine-tooth comb about four times, agreeing to such a development—as they have—if they had the slightest concern that it would produce environmental pollution of any type that would cause problems?

Many people, noisy ones particularly, will make a fuss about this bill and will oppose it. They are welcome to do that; it is always interesting when people make dills of themselves. People have talked about the noise problem. Noise is not a problem. The Southern Highlands Rifle Club has operated on that range for years. Incidentally, the range was built for the club by the Roads and Traffic Authority [RTA] when it realigned the highway to the west. The RTA said that the club could have that piece of land, and the National Parks and Wildlife Service agreed. That is why the range was developed there, and that is why the area is capable of development. Disturbance to the area will be minimal and noise is not a problem—certainly it has not been during the time that the club has been active there—and, of course, it is a remote area.

Over the years shooters have become used to travelling vast distances to participate in their sport. When I lived in Sydney I used to shoot at the Holsworthy Pistol Club and travelled 1½ hours each way from my home to Holsworthy on a Saturday morning to do so. People participating in other sports are more fortunate. Tennis courts, football grounds and cricket pitches are provided in most towns, but shooters' facilities cannot be provided in the middle of housing areas—that is not allowed. My point is, the range committee that has been in place for four years to manage this proposal represents all seven shooting clubs that are involved in this enterprise. The Illawarra Regional Shooting Association, one of the biggest shooting groups in this State, has a number of clubs within it that shoot several disciplines. Similarly, the Sporting Shooters' Association of Australia, Illawarra, has a number of different shooting disciplines.

The bill meets the needs of the several thousand licensed, law-abiding, firearm owners in that area in a way that could not be met by any other arrangement. This is a good bill and should have been introduced a long

time ago. It is reasonable, and it offers a win-win situation. It is a win for the real conservations because it increases land in conservation areas, and it is certainly a win for the shooters of this State. I congratulate the Government, even though it has taken a long time to come to fruition, on finally getting the bill to this stage. I support the bill.

The Hon. PETER BREEN [5.06 p.m.]: I have some conflict with the National Parks and Wildlife (Adjustment of Areas) Bill. On the one hand I support the environmentalists and on the other hand I support the shooters. The purpose of the bill is to transfer approximately 3,000 hectares of land to the Crown for national parks and conservation areas and to revoke approximately 1,000 hectares of the Bargo State Conservation Area at Hill Top. The land at Hill Top is to be incorporated into the existing Southern Highlands Regional Shooting Complex. Presently, the complex comprises an 800-metre full-bore rifle range, and the Government proposes an additional rifle range of 500 metres and a pistol range of 50 metres. Those additions represent approximately 20 per cent of the total land area.

The development of the Southern Highlands Regional Shooting Complex will accommodate six other shooting facilities in the region. Some shooting clubs have no range of their own, and some existing range leases are due to expire. Consolidating various shooting ranges in the area will reduce the impact on the environment of shooting activities and shooting clubs will obtain long-term security of tenure. The bill does not extinguish native title rights and existing property interests. Consultation will take place with various native title claimants to ensure that the proposed development is consistent with agreements reached with local indigenous people.

I have a particular interest, as mentioned by the Hon. John Tingle, in the Dharawal State Conservation Area, an area of pristine bushland on the edge of urban development near Campbelltown. The Dharawal includes some of the most sensitive conservation areas in the State, including upland swamps of worldwide significance. In January 2000 Ms Lee Rhiannon and I visited the area. At that time I said that the development of the proposed rifle range set aside for the Illawarra Shooters Association was likely to have a significant adverse impact on Dharawal. Ms Lee Rhiannon agreed with that and was quoted in the *Macarthur Advertiser* at the time as saying:

> … the Premier should act to ensure that the proposal to build a rifle range [in the Dharawal] is rejected.

After that I proceeded to hold discussions with representatives of the Macarthur Branch of the National Parks Association, the Dharawal Land Council and the Illawarra Regional Shooting Association. Those various interest groups asked the obvious question: Why build a shooting range in one of the most ecologically sensitive areas in the Sydney Basin when an existing shooting range at Hill Top could be expanded to accommodate all the shooters in the region?

After visiting the shooting range at Hill Top I decided to make submissions to former Premier Bob Carr, reminding him of his promise to create a green ring of national parks and conservation areas around Sydney. The Dharawal State Conservation Area sat well within the former Premier's plan and was the only gap in the proposed ring of bushland around Sydney that existed, of course, in the Macarthur area. I wrote to the Premier in the following terms:

> A few weeks ago I walked over the proposed rifle range in the Dharawal and took a number of photographs which are now on display in my office—

The Hon. John Tingle: Of the animals there?

The Hon. PETER BREEN: No, I did not see all the animals to which the Hon. John Tingle referred. I informed the Premier that the photographs were also on display in the foyer of Campbelltown City Council. I then said:

> The photographs reveal that a proposed dirt wall at the end of the intended firing strip will create a massive disturbance to the Dharawal's upland swamps. These swamps represent one of the most significant intact ecosystems of their type in the world.

After speaking with the Premier directly about the issue and asking several questions in Parliament, I was surprised when the Hon. John Tingle approached me and said that he agreed with the idea of transferring the various shooting clubs to the Hill Top range, and he then began to work on the issue with the Government. I am pleased to say that the result of that work is this bill. The Dharawal upland swamps will be preserved. They are pristine swamps, unlike anything in Australia I understand, and the fact that this bill will ensure their

preservation is a matter of great importance. The bill achieves the objectives of adding to the sum total of conservation land in the Sydney Basin as well as upgrading and expanding the existing shooting facility at Hill Top.

My concerns as a conservationist are that the bill will provide some loss to the area at Hill Top in the Bargo State Conservation Area. However, the addition of the Bargo River area and the Mellong Swamps in Yengo National Park will be a significant plus overall. Unfortunately, these things are always decided on balance. The areas at Yengo and Bargo, together with the Dharawal, represent a net gain to the Crown land reserve in New South Wales. Each of the areas is more significant, in my opinion, than the land at Hill Top from a conservation point of view.

As the Hon. John Tingle mentioned, this land is on top of ridges, whereas the other areas, which comprise valleys and swamplands, are of more significance from an ecological point of view. In an ideal world there would be no loss to the Crown land reserve, but the consolidation of six potential shooting complexes into one area is a net gain to the environment. I thank the Hon. John Tingle for his efforts in support of the bill, I thank him for the mention in dispatches, and I commend the bill to the House.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [5.12 p.m.]: The National Parks and Wildlife (Adjustment of Areas) Bill will revoke 1,000 hectares, or one-fifth, of the Bargo State Conservation Area bordering Balmoral village and Mittagong in the Southern Highlands. Two hundred hectares will be allocated for the expansion of the Hill Top shooting range, and the remaining 800 hectares are needed for a buffer zone around the range. The Minister for Tourism and Sport and Recreation, Sandra Nori, referred in her second reading speech to future development opportunities. I confess that I think that is quite likely. The National Parks Association is concerned that the land that has been offered in return is not sufficient compensation. The people concerned about shooting and gun control believe that this proposal will generate a Rolls-Royce shooting facility, and that will mean more shooting. The Australian Democrats are not wildly enthusiastic about the bill but we acknowledge its introduction.

Mr IAN COHEN [5.14 p.m.]: I state at the outset that the Greens do not support the National Parks and Wildlife (Adjustment of Areas) Bill as it will lead to the clearing of native vegetation, habitat fragmentation, lead pollution of the land and water supply, and noise pollution. It is an unacceptable revocation resulting from a political deal with the Shooters Party. It is a worrying precedent and it should not be passed. I congratulate the Hon. John Tingle on his effective work with the Labor Government—something we have witnessed from time to time. The honourable member has a close affinity with the current Government, has done an effective job and deserves to be congratulated.

Reverend the Hon Dr Gordon Moyes: Are you jealous?

Mr IAN COHEN: That is not the point. Jealousy is probably more the domain of the Christians in this House. It is certainly not a case of jealousy. With a degree of honesty I state the case for those whom I represent, and I would appreciate an opportunity to do that, just as I have given others an opportunity to do so in this debate. The Hon. John Tingle has done more than an adequate job in representing his constituents. He and I often disagree, but we always have a degree of respect for one another that is not so evident among many other members in this House. The Hon. John Tingle has a point of view about an issue that is close to his heart. I lay claim to a contrary, but nevertheless heartfelt, point of view.

The bill proposes to revoke approximately 1,000 hectares of the Bargo State Conservation Area at Hill Top for the purpose of developing the Southern Highlands Shooting Complex. There are goods reasons why this area was originally made into a conservation reserve. It is an area of healthy bushland on steep country providing clean water, stabilising soils, maintaining biodiversity and threatened species, and providing a beautiful spot for recreation. The revocation will pick the eye out of the Bargo State Conservation Area, which loses environmental integrity along with one-fifth of its land. The land is to be vested under the Sporting Venues Management Act 2002. I understand that the Southern Highlands Rifle Club and six other shooting clubs will operate at that complex.

The Hill Top rifle range is leased to the Southern Highlands Rifle Club until 2008. Other clubs that have expressed an interest include: the Illawarra Regional Shooting Association, the Illawarra Service Rifle Club, Kiama-Albion Park Rifle Club, '74 Pistol Club, Phoenix Pistol Club, and the Sporting Shooters Association of Australia, Illawarra branch. As a general principle, the Greens do not support the revocation of areas of national park except under extreme circumstances and only where consistent with the revocation policy

of the Department of Environment and Conservation. I have said before that, if revocations become a commonplace occurrence, there is a danger that landholders and agencies will see that land can be traded in return for any part of a national park that they wish to exploit for their own purposes.

Parks will no longer be sacrosanct. However, I acknowledge that in some exceptional circumstances minor boundary changes may be necessary. I feel very strongly that this is not one of those circumstances. In fact, I believe that this is the first example of a large area of land reserved under the National Parks and Wildlife Act 1974 being revoked for the exclusive benefit of a single interest group. Essentially, the shooting facility is a private development of a conservation reserve. The revocation is a land grab that sets a precedent that should have been avoided at all costs. The revocation of land policy of the Department of Environment and Conservation states that the excision of reserves should only be "an avenue of last resort" and done only "in exceptional circumstances "and only where there are "no suitable alternative sites available outside the NPWS lands".

It also states that the situations in which the need for a revocation may arise include boundary errors, boundary encroachments and development proposals that are of public value but are not permissible on land reserved under the National Parks and Wildlife Act. The only category into which this proposed revocation could fall is the latter. It is difficult to see the public value except to the shooting lobby. In fact, there will be a negative impact on other sectors of the public, such as local residents and those who enjoy national parks in the region. The Colong Foundation for Wilderness suggested that alternative sites for a shooting complex such as this exist in the region. I ask the Minister: Were alternative sites considered in the Southern Highlands that were outside the national park estate, as they should have been according to Department of Environment and Conservation policy? The Colong Foundation for Wilderness has suggested that the pine plantation in Belanglo State Forest may well have been a more suitable site, being close to both the Hume Highway and the Illawarra Highway and therefore more easily accessible to shooters from both the Southern Highlands and the Illawarra. This would have avoided the need for a national park revocation.

The development proposal will provide for the expansion of an existing rifle range at Hill Top. The proposal is to develop 20 per cent of the revoked area and for the other 80 per cent to remain undisturbed and act as a buffer zone for safety purposes. However, once this area is revoked there can be no guarantee of the 80 per cent remaining as pristine bushland. This is a vast amount of land that could be developed. There is also concern that the area could be used for game hunting, with the added potential risk of shooters releasing feral animals into the area to hunt them. I cannot say that I can entrust to the gun lobby the protection of bushland in this supposed buffer zone.

There is also a fear that a shooting complex on this scale would lead to other inappropriate developments and infrastructure in the area. It is not unforeseeable that further deals could be done to secure road infrastructure, tourist resorts or utility easements related to the shooting complex. There is great concern that this precedent of trading off part of the Bargo State Conservation Area could lead to further revocations of national park land for any private purpose, such as exclusive resorts and wilderness lodges in the middle of another national park. This is not a road to go down; it is entirely unacceptable. It undermines the sanctity of national parks and State conservation areas to trade them off whenever a developer's interests clash with environmental protection.

The Government's Shooting Club Development Program urges the joint use of facilities where possible and the consolidation of ranges threatened by urban encroachment or environmental issues. This development seems to be consistent with that policy. I understand that native title rights and interests in the land are not extinguished. But what value will the bushland have if it is cleared and riddled with lead pollution? Compensatory land is to be added to the national park estate under this bill in the form of 552 hectares to Yengo National Park at Mellong Swamps, 1,956 hectares to the Bargo River State Conservation Area, and 323 hectares to the Dharawal State Conservation Area. The ratio of compensatory land to revoked land is 3:1. The Dharawal State Conservation Area is supposedly upland swamp of high conservation value. Trading national park for other bushland is simply not acceptable under these circumstances, especially when a giant hole—one-fifth of the reserve—is cut into an existing park. The proposal regarding compensatory areas is simply delivering on past election promises. These areas were to be protected anyway so they cannot redress the impacts of a major shooting facility in the region.

Shooting ranges generate considerable lead pollution. This is clearly illustrated by the experience of a couple in the Batemans Bay area who leased their property to a gun club and now face a clean-up bill of $450,000 to rid the land of poisonous lead shot before they can sell or do anything with the land. Their story was

brought to light by the *Sydney Morning Herald* in October last year and it plainly highlights how shooting clubs damage the land. This example involved one gun club leasing a property. How much more impact will a regional shooting complex, which incorporates numerous gun clubs, have on the area in question? Fears have been raised about the impact of the shooting range on the quality of Sydney's main water supply catchment at Warragamba. The Minister tried to play down these concerns on ABC radio, saying that ammunition would have to fly directly into waterways for contamination to occur, and that this would not happen. I am not convinced by this explanation. Surely the fact that vast amounts of lead shot will be deposited in the water catchment is a concern. Even if the ammunition does not land in water sources, will water run-off not be contaminated with lead?

The Hon. John Tingle: No.

Mr IAN COHEN: It has been argued that there is already a shooting range on the site. I note the Hon. John Tingle's interjection and his denial that lead pollution will have any impact if it is not in the water. I posed that question so I do not claim to have a monopoly on knowledge about this matter, but I draw the attention of the Hon. John Tingle and the House to the example that I gave of the couple who leased a property to a gun club and now face a $450,000 clean-up bill. If that occurred on only one property I believe concern for the entire area is realistic and justified. The proposal is for a much larger facility and a sevenfold increase in the number of clubs using it. This will inevitably increase greatly the amount of lead deposited in the area. Apart from the concern about the potential compromising of the water supply, there are also fears about bushwalkers in nearby World Heritage listed national parks who drink water from creeks. What guarantees can be given to those users of national parks that water sources that originate in the Bargo State Conservation Area are safe?

If this bill is successful and the expansion of the shooting range goes ahead—and I expect it will—I will seek an assurance that best management practices for lead at outdoor shooting ranges are adhered to. The *Best Management Practices for Lead at Outdoor Shooting Ranges* manual of the United States of America Environmental Protection Authority [EPA] provides owners and operators of outdoor rifle, pistol, trap, skeet and sporting clay ranges with information on lead management at their ranges. The manual explains how environmental laws are applicable to lead management and presents a number of successful best management practices available to the shooting range community. These practices have been proven effective in reducing lead contamination. The United States EPA is generally regarded as an authority on environmental science. This document provides some good information on the health effects of lead and what shooting ranges should be doing to minimise their impact. While it does not set out compulsory requirements, it could be a useful guide for the department and for the operators of the shooting range. I strongly urge the proposed development—if it goes ahead—and any other new shooting ranges to use best management practices.

The National Parks Association of New South Wales has raised concerns about who will manage this large, rugged area of bushland that will supposedly remain pristine bushland. I do not believe that either the shooters or the tourism and sport and recreation departments have the expertise or resources to manage it. This is steep country with potentially unstable soils in an important water catchment area. The bush needs to be managed properly to maintain that stability otherwise sediment and nutrients will disrupt the waterways, affect biodiversity and pollute the water. I ask the Minister to clarify who will be responsible for the monitoring and management of this large area of bush.

Moreover, the site is a very high fire danger area, lying to the north-west of the villages of Hill Top, Colo Vale and Mittagong. Bushfires in the area will be driven onto these towns by hot, dry north-westerly winds. The great majority of bushfires—90 per cent or so—are caused by human activity. Yet the revocation and development of the site will promote increases in accessibility for arsonists and careless individuals, with roads, tracks and cleared areas in a strategic and risky bushfire area. Who will be responsible for the bushfire management plan? Will it involve the clearing of more bush to protect shooters' assets and to slow the spread of fires?

There is also concern that the shooting complex will compromise the Nattai reserve system in the Southern Highlands, as the road on which the complex is to be situated is the main access road to Nattai National Park. The shooting complex could deter visitors from visiting the national park. Few families and walkers would recreate within the reserve with the rattle of rifles and handguns reverberating in the background. Local residents and organisations were not consulted about the revocation, and requests by environment groups to meet Minister Nori or her representatives have been denied.

This bill represents a grubby deal with the gun lobby and is similar to the handing over of massive tracts of State forests to hunters under the guise of "conservation hunting". The gazettal of 34 State forests as

dedicated hunting areas, covering about 400,000 hectares, is nothing short of an outrage. The Game Council will be able to close off these areas to everyone but hunters, thereby locking out recreational users of forests. While the alleged aim of this development is to control feral animals, it could have the opposite effect, as in the past recreational hunters have introduced feral pests to ensure a supply of animals to shoot. The Government is pandering to the gun lobby. The revocation of a large section of the Bargo State Conservation Area for a shooting facility is totally unacceptable from the Greens' perspective, and we oppose the bill.

Ms LEE RHIANNON [5.30 p.m.]: I support the comments of my colleague Mr Ian Cohen, who has set out the Greens position very clearly. This is an irresponsible anti-environment bill that deserves to be defeated. It is clearly a sell out of national parks. Once again the Labor Government has gone to enormous lengths to accommodate the gun lobby and I have to ask why. This bill will not provide the answer, but we need to keep on asking that question. My comments relate mainly to the history of shonky favours to the shooting lobby, a history that is continued with this bill. The Government has a track record of doing tawdry deals with the gun lobby, and that track record needs to be exposed.

Perhaps the most spectacular example came very recently when the Government, with the Opposition, supported a Shooters Party bill to allow certain convicted criminals to own guns. Many members of Parliament, even from the major parties, will remember their surprise as it was only a few weeks ago. Ever since I came to this place the Government's agenda has been a seemingly never-ending stream of law and order bills. No penalty has been too tough for this Government. But all of a sudden, at the behest of the gun lobby, convicted criminals can own guns. It was a stunning turn around, and a genuine blow to community safety. A major party whose agenda is about community safety and pushing a law and order agenda supported that bill a couple of weeks ago.

Another example of this Government's tawdry relationship with the gun lobby is the Game Council. Trials are currently proceeding to allow shooters to hunt in State forests. The Game Council of New South Wales has been set up by legislation as a plaything for the gun lobby, a sort of quango for the heavily armed. The Game Council was a gift from the Labor Government to the gun lobby, and both our public forests and public safety are paying the price. Then there is the Government's inexplicable ongoing failure to restrict automatic and semi-automatic handguns. After Port Arthur similar long arms were banned, but hand guns were not.

Apart from the potential for legally owned hand guns to be used in domestic incidents or suicides, they are being stolen and used in criminal activity. They can be stolen only because they exist in the community in the first place. Semi-automatic hand guns can kill just as easily as long arms and can be concealed far more easily. A very simple and powerful step to improve community safety would be to ban semi-automatic hand guns. But instead the Government buys tasers and water cannons, whilst protecting the gun lobby from commonsense reform. This contradiction between banning semi-automatic long arms and not banning semi-automatic hand guns is quite extraordinary. It is tragic because so much of the gun reform in this country is linked to massacres. When there is a massacre then there is a flurry of gun law reform.

The ban on semi-automatic long arms was introduced after the tragedy at Port Arthur, the tenth anniversary of which will be at the end of April. The bill seeks to remove environmentally important land from a conservation area to allow for the expansion of a shooting range. It seems that there is nothing this Government will not deliver for the gun lobby. Labor is prepared to sell out the environment and endanger community safety. It is a sad state of affairs and the Greens will continue to ask why this Labor Government does so much for the gun lobby.

The Hon. HENRY TSANG (Parliamentary Secretary) [5.32 p.m.] in reply: I thank honourable members for their contributions to this debate. Regional shooting facilities are classified as State significant development sites. The Minister for Planning will be the consent authority for the development application [DA] for the expansion to the range. In considering the DA, the Minister will need to take account of State Environment Planning Policy No. 58—Protecting Sydney's Water Supply. In addition, a comprehensive land management plan must be developed to govern the operations on the site.

The overall environmental impact on the site, including water contamination, will be negligible. The dynamics of the site are contained within a controlled area and by a sporting activity that is well managed and regulated. This compares very favourably to other demands and pollutants impacting on the water catchment area, including farmlands, agriculture, sewage, and major highways. Construction will include catch trenches and collection pits to deal with the cross-surface movement of fine lead particles.

All users of the current Hill Top Rifle Range and the proposed two additional ranges must be registered members of a shooting club or representatives of approved government agencies. All users are required to comply with approved Firearms Registry operating protocols. Firearms Registry licence requirements for the clubs that use the range includes the need for a designated range control officer whenever a shooter is using the range. The range control officer is responsible to ensure that proper shooting and safety protocols are carried out. The National Parks and Wildlife Service made a scientific assessment of four site configurations before choosing the proposed one and its dimensions. It had to provide a sufficient safety zone as well as meet a preferred area ratio and take account of existing natural and man-made features.

Certain natural and man-made features declared themselves obvious boundaries and dictated much of the area proposed for excision. One is Wattle Ridge Road as a northern boundary, the second is a cleared area of power transmission lines as an eastern boundary, and the third is Iron Creek, to the far south of the shooting facility proper. In the main the western boundary follows existing property lines.

Some concerns have been raised by conservation groups in regard to this development. One is whether the United States of America Environmental Protection Authority's Best Management Practices at Outdoor Shooting Ranges have been followed. Yes, they have. The United States of America guidelines provide a sound framework for design and construction proposals and matters for inclusion in the land management plan for the site. The Government is committed to ensuring that the best management practices [BMPs] are followed in the planning, management and operation of the complex. These BMPs have also been adopted at the State Government-owned and operated Sydney International Shooting Centre.

The second concern relates to why the Hill Top site was chosen. The site at Hill Top was identified as a potentially suitable site for a regional shooting complex for the following reasons: there was an existing range with capacity to expand and therefore there was no need to find a greenfield site; a number of the clubs which had been forced from their sites or were threatened with closure at existing sites were already using Hill Top; the surrounding land uses at Hill Top meant there would be certainty of land tenure in this area and therefore minimal or no chance of urban encroachment; and the site is geographically central to shooting clubs in the Southern Highland and Illawarra regions.

In summary, the approach taken to find a suitable regional shooting complex site indicated that Hill Top met all the necessary criteria and was a successfully operating shooting facility. There is another fact that needs to be underlined. The relevant government agencies did consider alternative sites. These were sites at Dharawal and the Mellong Swamps. However, both those sites were found to have significantly higher conservation values. That is reflected in the fact that they are now proposed as part of the State's national parks network. The land management agencies, including the Department of Environment and Conservation and the Department of Lands, agreed that the consolidation of shooting activities at Hill Top was the best solution. The father and grandfather of the Minister for Justice both shot at Kings Shoot at Malabar. The Minister has great pleasure in commending the bill to the House.

Question—That this bill be now read a second time—put.

The House divided.

Ayes, 25

Mr Breen	Mr Gay	Ms Robertson
Ms Burnswoods	Ms Griffin	Mr Ryan
Mr Catanzariti	Mr Lynn	Mr Tingle
Mr Clarke	Reverend Dr Moyes	Mr Tsang
Mr Colless	Reverend Nile	Mr West
Mr Donnelly	Mr Oldfield	
Ms Fazio	Ms Parker	*Tellers,*
Mrs Forsythe	Mrs Pavey	Mr Harwin
Miss Gardiner	Mr Pearce	Mr Primrose

Noes, 4

Dr Chesterfield-Evans
Ms Hale
Tellers,
Mr Cohen
Ms Rhiannon

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time and passed through remaining stages.

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (RESERVED LAND ACQUISITION) BILL

Second Reading

The Hon. HENRY TSANG (Parliamentary Secretary) [5.47 p.m.], on behalf of the Hon. John Della Bosca: I move:

That this bill be now read a second time.

I seek the leave of the House to incorporate the second reading speech in *Hansard*.

Leave granted.

This bill aligns provisions for owner-initiated acquisition requests under the Environmental Planning and Assessment Act 1979 with the owner-initiated acquisition provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

Currently, where land has been reserved for use exclusively for a public purpose, there are two conflicting procedures which landowners can use to require the relevant Authority to acquire the land.

The acquisition provisions in an environmental planning instrument made under the Environmental Planning and Assessment Act 1979 provide for acquisition on demand.

In contrast, the Land Acquisition (Just Terms Compensation) Act 1991 requires a landowner to demonstrate hardship as a result of a delay in acquisition of the land reserved to require an acquisition.

The Land Acquisition (Just Terms Compensation) Act 1991 also provides that the relevant acquiring authority may use its best endeavours to remove the planning reservation, rather than acquiring the land.

This bill ensures that all future owner-initiated acquisition requests are dealt with under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

It also provides an opportunity for agencies and councils to review reservations prior to acquisition, and rezone lands reserved for public purposes where the land is no longer needed.

This will ensure prudent expenditure of government funds to acquire land in priority programs for development for public purposes. I will now address the elements of the bill.

Schedule 1 amends the Environmental Planning and Assessment Act 1979 to provide that the procedure for the acquisition of land reserved for use exclusively for a public purpose under that Act is the owner-initiated acquisition request procedure in the Land Acquisition (Just Terms Compensation) Act 1991.

This means that when an owner of land reserved for public purposes under an environmental planning instrument requests the acquiring authority purchase the land, the landowner must be able to demonstrate hardship in order to force the acquisition to occur.

Where the authority determines on review that the land is no longer required, the authority will be able to initiate the rezoning process.

This will prevent landowners from requiring authorities to acquire land, still identified in environmental planning instruments, that is no longer required for public purposes.

An example of this occurring is the 1998 case of Roads and Traffic Authority [RTA] and Greenfield Mountains Pty Ltd on the Pacific Highway at Yelgun.

The land was originally required for a road, and reserved under a Local Environment Plan. A decision was taken to change the alignment of the road reserve, and the original reservation was no longer required. Despite this, the landowner applied to the RTA to compel the acquisition of the original reservation under the Environmental Planning and Assessment Act 1979. The owner insisted on the compulsory process and the matter went to hearing. As a result, the RTA was forced to spend public funds acquiring land it no longer required, as well as paying court costs for the hearing.

Under this bill, an acquisition clause in an environmental planning instrument will not impose an obligation on an authority of the State to acquire land that is no longer required. An obligation will only be imposed as required by division 3 of part 2 of the Land Acquisition (Just Terms Compensation) Act 1991.

The bill also includes a consequential amendment to the Land Acquisition (Just Terms Compensation) Act 1991 to omit section 28.

This section currently provides that the Land Acquisition (Just Terms Compensation) Act 1991 does not affect any obligation of an authority of the State to acquire land as referred to in section 27 of the Environmental Planning and Assessment Act 1979, but gives a choice for such an acquisition to be effected by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991

To prevent opportunistic acquisition demands, the commencement date of the proposed Act will be the date on which notice was given in Parliament for leave to introduce a bill for the Act.

Allied to this bill is a proposal for a new State Environment Planning Policy [SEPP] for public reserved lands, to be enacted where sites are identified as no longer required for a public purpose. The purpose of the public reserved lands SEPP is to provide a way to give landowners certainty over the land use ability of their property, if it is no longer required for public acquisition. The SEPP would also incorporate a provision for scheduling additional sites as needed.

The recent changes to the Environmental Planning and Assessment Act 1979 require all local councils to review their local environmental plans within a 2- to 5-year period. As part of this process all public authorities with reserved land in a local environment plan will be required to also review their need to retain land reserved for a public purpose. The new LEPs will include an acquisition clause reflecting the provisions of this bill.

When reviewing the zoning of land currently zoned for a public purpose and identified as no longer required for a public purpose, consideration will be given to rezoning the land having regard to the adjoining zones and reflecting the objectives of the LEP.

In the period before changes are made to LEPs that currently reserve land for a public purpose, these legislative amendments would prevail over any contrary acquisition clause provision in existing planning instruments.

The bill will also require an amendment to the acquisition clauses of the draft standard local environmental plan template. The Department of Planning will be issuing planning circulars as directives to councils to make the public aware of the changes to the legislation.

I am advised that this bill has the support of the Local Government and Shires Association, as local governments are often forced into needless land acquisitions as a result of the existing parallel systems.

I commend the bill to the House.

The Hon. GREG PEARCE [5.47 p.m.]: The Environmental Planning and Assessment Amendment (Reserved Land Acquisition) Bill is yet another example of the arrogance of the Government and in particular its planning Minister, Frank Ernest Sartor. The Opposition will oppose it strenuously. The effect of the bill is to remove from members of the community their right to seek compensation where a property is adversely affected by a planning instrument. At present, the owner of land that is affected by certain planning restrictions can apply under the Environmental Protection and Assessment Act—incidentally, an Act that was introduced by the Wran Government—for an order that the relevant authority acquire the land adversely affected by a zoning.

It is interesting to read the speech of the Minister in the other place and to reflect on the arrogance of the Government, which, in this case, is prepared to act retrospectively. The legislation is bluntly and blatantly designed to remove the rights of citizens—the Government has a dreadful record in that regard—and to remove government accountability and responsibility. The Opposition has no objection to the Land Acquisition (Just Terms Compensation) Act 1981, which applies generally to the compulsory acquisition of land by government authorities. But in this case the Minister is moving conveniently to try to shore up in every possible way the Government's budget deficit by removing any liability on the State budget.

The Minister referred to the 1998 case of the Roads and Traffic Authority [RTA] and Greenfields Mountain Pty Ltd, located on the Pacific Highway at Yelgun. The owners of the land decided to have the RTA acquire their land, which had been subject to a road reservation even though it was no longer to be used. The application was made under the Environmental Planning and Assessment Act. In relation to that case the Minister said, "The owner insisted on the compulsory process and the matter went to hearing." The owner is entitled to do just that. He went on to say, "As a result, the RTA was forced to spend public moneys acquiring land that is no longer required, as well as paying court costs for the hearing." This is not a matter of citizens adversely affected by government action who should have their rights taken away.

The RTA is notoriously slack in preserving roads and placing restrictions on land that impact adversely on the value of the land and the ability of the owner to use the land. The Minister referred to the retrospectivity of the legislation in these terms, "To prevent opportunistic acquisition demands, the commencement date of the proposed Act will be the date on which notice was given in Parliament for leave to introduce a bill for the Act." What does the Minister mean by "opportunistic acquisition demands"? These people have been affected by the impact on their land of a reservation by the Government or local government. They are perfectly entitled to be

compensated for that, particularly if the value of their land has been affected adversely or if additional restrictions are placed on their ability to use the land.

The bill is quite straightforward and the Opposition will oppose it. The Government should introduce accountability and responsibility into the RTA and other authorities that have power to impact on private land. This is not the only example of adverse consequences as a result of sloppy governments and departments. Honourable members would be aware of the ongoing controversy over the Epping to Chatswood rail tunnel. The rail authority resumed massive amounts of land depth, which it does not necessarily require. More recently the Government, which is supposedly spending money in the south-west growth area to acquire the route for the south-west railway, has not been particular about the route—alternative routes continue to be shown. This is bad legislation. It is nothing but a grab by the punitive mayor of New South Wales, Frank Sartor, for more power in the Minister. It takes away retrospectively rights that should be defended. We oppose the bill.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [5.55 p.m.]: The Environmental Planning and Assessment (Reserved Land Acquisition) Bill changes the procedure by which a person whose land has been reserved for a public use by an environmental planning instrument under the Environmental Planning and Assessment Act 1979 may require the land to be acquired by public authority. The bill proposes that the only procedure available for the compulsory acquisition of land reserved and used exclusively for a public purpose is the owner-initiated acquisition request procedure in the Land Acquisition Act. Environmental planning instruments are not to be construed as requiring an authority of the State to acquire land, except as required by the Land Acquisition Act. Accordingly, an authority of the State will not be required to acquire land unless it is of the opinion that the owner will suffer hardship if there is any delay in the acquisition of the land under the Act. Currently, landowners can choose to have their land acquired under the terms of the environmental planning instrument that reserves their land or in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

Under this bill the single procedure will be the owner-initiated acquisition request provisions of the Land Acquisition (Just Terms Compensation) Act 1991, which applies when an owner will suffer hardship if there is a delay in acquisition of land by the relevant public authority. Recent changes in the Environmental Planning and Assessment Act 1979 require all councils to review their local environmental plans within a two- to five-year period. As part of this process, all public authorities with reserved land in a local environmental plan [LEP] will now be required to review their need to retain land reserved for a public purpose. New LEPs will include an acquisition clause reflecting the provisions in the bill. When reviewing the zoning of land currently zoned for a public purpose and identified as no longer required for a public purpose, consideration will be given to rezoning land having regard to the adjoining zones and reflecting the objectives of the LEP. However, to compel the authority to acquire the land the owner must show that he or she will suffer hardship if there is any delay in the acquisition of the land under section 23. I will return to the definition of "hardship".

Section 27 (4) (a) of the Land Acquisition Act states that an authority is not required to acquire land if it gives prior notice to the owner of the land that the land is no longer designated by that authority for future acquisition or gives a written undertaking that it will use its best endeavours to remove the relevant reservations and a written notice that land is no longer designated by that authority for future acquisition. The bill commences on 28 March 2006, the day on which it was given notice of in Parliament. In his second reading speech the Minister stated that this is to "prevent opportunistic acquisition demands". This issue is taken up by the Legislation Review Committee. Clause 2 provides for the commencement of the proposed Act from the date on which notice was given in Parliament for leave to introduce the bill for the Act rather than a date on or after Parliament has passed the bill. This retrospective commencement means that a landowner cannot use the compulsory acquisition regime under the Environmental Planning and Assessment Act from that date. The Senate Scrutiny of Bills Committee has stated that commencing legislation retrospectively in this way:

> Carries with it the assumption that citizens should arrange their affairs in accordance with announcements made by the Executive rather than in accordance with the laws made by the Parliament. It treats the passage of the necessary retrospective legislation 'ratifying' the announcement as a pure formality.

Although this is true, and it bothers me that the Executive treats the passage of bills through the Parliament as a formality, one has to be realistic and recognise that this formality could open up many opportunities for opportunistic people. The Legislation Review Committee's report also states:

> 14. The Committee notes the Minister's statement in his second reading speech that the Bill is to commence on this day to prevent any "opportunistic acquisition demands".

The committee will always be concerned to identify any retrospective effect of legislation, which adversely impacts on any person. The report also states:

> 16. The Committee notes that the Minister's explanation, in his second reading speech, for commencing the Bill from the day on which notice of motion was given of an intention to introduce the Bill.

However, having regard to the need to prevent any opportunistic acquisition demands, the retrospective application of these amendments is not an undue trespass on personal rights or liberties. Additional technical background is also interesting. Currently, section 26 (1) (c) of the Environmental Planning and Assessment Act 1979 provides that an environmental planning instrument may make provision for reserving land for use for certain public purposes—for example, as open space, road transport corridors and facilities such as schools and hospitals. When an environmental planning instrument reserves land for such a purpose, it must also make provision for the acquisition of that land by a public authority, unless the land is owned by a public authority and held by that public authority for that purpose.

A landowner who wishes to have his reserved land acquired by the authority may write to the authority asking for that land to be compulsorily acquired. In such a case, the authority has no discretion and must acquire the land. The Local Government and Shires Associations of New South Wales are concerned about this. They had a meeting in December 2005. They suggest that there are three options to deal with this problem. The first is to align the Environmental Planning and Assessment Act with the Land Acquisition (Just Terms Compensation) Act. The second is to amend the Environmental Planning and Assessment Act to provide State agencies with flexibility to review zoning rather than purchase on demand. The third is to review all planning instruments to reduce possible liabilities. They felt that option one was the preferred option, and indeed that is incorporated in this bill.

Under the Land Acquisition (Just Terms Compensation) Act 1991, referred to as the land acquisition Act, an owner of land designated for acquisition for a public purpose under an environmental planning instrument pursuant to the Environmental Planning and Assessment Act may require an authority of the State by notice in writing given to that authority to acquire that land under the land acquisition Act. The definition of "hardship" is set out in subsections (2) and (3) of section 24 of the land acquisition Act:

> (2) An owner of land suffers hardship if:
>
> (a) the owner is unable to sell the land, or is unable to sell the land at its market value, because of the designation of the land for acquisition for a public purpose, and
>
> (b) it has become necessary for the owner to sell all or any part of the land without delay:
>
> (i) for pressing personal, domestic or social reasons, or
>
> (ii) in order to avoid the loss of (or a substantial reduction in) the owner's income.
>
> (3) However, if the owner of the land is a corporation to which this Division applies, the corporation does not suffer hardship unless it has become necessary for the corporation to sell all or any part of the land without delay:
>
> (a) for pressing personal, domestic or social reasons of an individual who holds at least 20 per cent of the shares in the corporation, or
>
> (b) in order to avoid the loss of (or a substantial reduction in) the income of such an individual.

If the authority is of the opinion that the owner would suffer hardship, it must acquire the land. I note that the honourable member for Gosford in the other place tried to get across the message that everyone would lose as a result of this bill, but I think some flexibility has to be provided for the purpose of good governance. The idea that governments should have to purchase land to reserve it for some possible future use is really an unreasonable imposition on the State. The Total Environment Centre and the Nature Conservation Council, through the Environmental Liaison Office, have commented:

> The Bill simplifies the current system for landholders to require land that is reserved for a public purpose to be acquired by a public authority... [and] will see owner initiated acquisition requests proceed under the Land Acquisition (Just Terms Compensation) Act 1991. The provisions under this act are fair and appropriate. It is notable that this legislation removes a dual system which is both inefficient and unfair in the two separate treatments that it creates.
>
> Whilst environment groups have opposed recent changes to this planning system, the current Bill represents an improvement to the planning system. The Total Environment Centre and the Nature Conservation Council... join the Local Government and Shires Associations in supporting this bill.

For those reasons, I support the bill.

Reverend the Hon. FRED NILE [6.03 p.m.]: The Christian Democratic Party supports the Environmental Planning and Assessment Amendment (Reserved Land Acquisition) Bill, which is simple and straightforward. It provides for a single process for owner-initiated land acquisition throughout New South Wales. At present we have a complicated dual system whereby owner-initiated land acquisition can occur under the Environmental Planning and Assessment Act 1979 and under the Land Acquisition (Just Terms Compensation) Act 1991. This bill will remove that power from the Environmental Planning and Assessment Act 1979 and make all owner-initiated land acquisitions in the future proceed through the Land Acquisition (Just Terms Compensation) Act 1991.

I am pleased to support this bill and to allow the operation of the Land Acquisition (Just Terms Compensation) Act, which I had a major role in developing, to take precedence. We had a lot of controversy about getting just terms either when land was being acquired by the Government or, as in this case, when the owner initiated the acquisition. The Land Acquisition (Just Terms Compensation) Act 1991 has provided a balance between the Government on one hand and the owner of the land on the other hand to ensure that, at the end of the day, both parties are happy with the outcome. As stated earlier, the Environment Liaison Office also supports this legislation. It is not always the case that the Christian Democratic Party agrees with the Environment Liaison Office. In fact, this may be the first time in 25 years—I will have to check. The Environment Liaison Office states:

> The provisions under this act are fair and appropriate. It is notable that the legislation removes a dual system which is both inefficient and unfair in the two separate treatments that it creates.

The Christian Democratic Party agrees with that statement. We believe this bill will allow, when owner-initiated land acquisition occurs, the owner to prove or show that there was hardship. In those circumstances the Government would be required to purchase that land. That aspect of hardship is important. Under the Land Acquisition (Just Terms Compensation) Act 1991, the owner must demonstrate that he is suffering hardship as a result of the delay in the acquisition of the land that was reserved before requiring an authority to acquire land. My understanding is that there are some developers who have purchased land that was zoned in a certain way. They have been seeking to speculate and have forced the Government or one of its agencies to purchase that land, and thereby have made a profit. This legislation is important because it protects the taxpayers of this State as well as landholders. The Christian Democratic Party supports the bill.

Ms SYLVIA HALE [6.07 p.m.]: On behalf of the Greens I speak to the Environmental Planning and Assessment Amendment (Reserved Land Acquisition) Bill, which addresses situations in which a parcel of land is reserved for a public purpose—such as a road, hospital or school—but when that public purpose is not yet required. Under these conditions, the existing landholders are permitted to continue to use the land, but they do so in the knowledge that their land may eventually be compulsorily acquired. While this sometimes involves great heartache for families who stand to lose their homes, most people would agree that the common good and the needs of the broader community ultimately must take precedence. Communities sometimes need new parks, community centres, roads and schools. There must be mechanisms whereby the land can be compulsorily acquired.

In such circumstances, landholders are always paid a fair price, as determined by the Valuer General. However, this bill is not about cases in which people are forced to leave. It is about cases where a government authority places a reserve on a person's land but is not yet ready to use that land. The bill is concerned with the conditions and timing of the purchase. Of course, a landholder can always sell the land on the open market to another buyer who knows that a reserve has been placed on the land, and that it may be compulsorily acquired in the future. Obviously, they would be selling the land at a considerably reduced price. Alternatively, the landowner can force the authority that placed the reserve on the land to purchase it. Currently there are two avenues available to do that: one is to utilise section 27 of the Environmental Planning and Assessment Act and the other is recourse to the Land Acquisition (Just Terms Compensation) Act. The fundamental difference between the two is that under the Land Acquisition Just Terms Compensation Act the owner must demonstrate hardship, whereas under section 27 of the Environmental Planning and Assessment Act that is not necessary.

The bill removes the option of acquisition under the Environmental Planning and Assessment Act and, therefore, makes it harder for landholders to dispose of their land. The Local Government and Shires Associations support the bill because section 27 of the Environmental Planning and Assessment Act is used to force councils to purchase land prematurely. There have been a small number of cases in which councils have been required to pay patently excessive amounts to purchase land, amounts far in excess of market value. The $40 million purchase by Hornsby Shire Council of the CSR Hornsby quarry is a case in point.

At the other end of the spectrum, however, is the Roads and Traffic Authority [RTA], which is responsible for the majority of forced compulsory acquisitions undertaken by the State Government. The RTA keeps thousands of home owners in a state of limbo as it maintains different options for road augmentation and motorway projects across the State. Sometimes those proposals can take decades to determine, with householders left with a financial and psychological cloud over their heads for years. Under those circumstances it is only fair and reasonable that such landholders should be able to move on with their lives. If they are unable to sell their properties because of the reserve and the lingering threat of a motorway, they should have the option of forcing the RTA to put its money where its mouth is and purchase their properties at the value set by the Valuer General.

Under existing legislation in most cases of a forced purchase the landholder has been forced to take the matter to court. They not only may receive a reduced price, but also will have to pay any associated legal costs. Most owners will use that option only as a last resort. The bill will make it harder for home owners to exercise that avenue of last resort, and make it easier for agencies such as the RTA to impose or retain possible road reservations that it may or may not use at some time in the future. The RTA has an appalling record in the arena of acquisition and compensation. In the past 18 months the RTA has lost a number of court cases that involved compulsory acquisitions because it tried to offer inadequate compensation. An article by Mary-Jane Gleeson of Eco-Transit stated:

> This unreasonable behaviour results in distress and expense for the owners who take them on in the courts—

that is the RTA—

> and a huge legal battle for the people of New South Wales. None of these costs are passed on to motorway operators even though in most cases the land is being acquired for commercially operated tollways

In one case the court aptly described the RTA as "plainly unreasonable" when it insisted on offering the owner compensation of $50 per square metre for land that it was selling to someone else for $175 per square metre. Because of this, the court awarded costs against the RTA on top of the compensation. However, in many cases owners have to pay their own legal costs, even when the decision is in their favour. This discourages many people from taking the RTA to court to ensure that they get their full entitlement. Of course, the bill relates only to people who have their land, or part of their land, compulsorily acquired. It offers no help to those who have a freeway built within 50 metres of their home, or an unfiltered stack built next door.

One can only shudder at what the RTA has got away with over the years; it is a bureaucracy largely out of control. For many people whose lives have been adversely affected by the RTA, just compensation is a joke. The provisions in the bill relating to rezoning of land that is no longer required are positive, although the Minister has provided almost no detail on how the mooted public reserve lands State environmental planning policy [SEPP] will operate. The Minister assures us that this SEPP will ensure that when reserved land is no longer required it can be more quickly rezoned for other uses such as residential and, therefore, will remove any doubt for existing and future landholders. The Greens would like an undertaking from the Minister that lands covered by that SEPP will ultimately be rezoned for residential or other purposes, and not kept in an effective state of limbo, and ultimately returned to the reserved area.

This is essential to avoid the kind of treatment meted out to residents along the M6 corridor as that project was resurrected, shelved, then resurrected again as Labor Ministers played ping-pong with people's lives. The bill will do nothing for those suffering under an RTA-induced cloud of indecision and inertia; nor will it help those offered unjust compensation for having their lives uprooted and their homes destroyed. However, the bill does offer some solace to councils that are currently forced to acquire excess land or pay inflated prices for reserved land. Although a small number of individual landowners may find it harder to dispose of their land, the question to be asked is: Whose interest is to come first? Is it the interest of the individual or is it the public interest, as represented by councils, that is to be taken into account?

This has been an extraordinarily difficult decision for us to reach. We are also conscious of the changes that were made to the Environmental Planning and Assessment Act by this House last week. For councils to acquire land they often rely upon section 94 funds. Yet the amendments passed to the Environmental Planning and Assessment Act allow the Minister for Planning to reject, amend or impose his own section 94 lands. Section 94 can be used to compensate the community for the impact of additional people or additional pressures on a local council. Section 94 plans can be, and often are, used to acquire land. Indeed, there is a difficulty if councils have a long-term plan that envisages the setting aside of land for a park, or the acquisition of land for a park, a child care centre or whatever. Councils may be suddenly obliged to acquire land, but are no longer in a

position to do so because the section 94 plans have been arbitrarily altered by the Minister. The great temptation will be for councils to move the reservation, which may indeed be in the long-term interests of the community as a whole, in order to immediately compensate the landowner.

I instance a case in point involving Baulkham Hills Shire Council. That council had a section 94 plan that envisaged the acquisition of land for a park. Many residents in Baulkham Hills bought their land on the assumption that their property would be across the road from or adjoining parkland that would be used for a community sporting facility or similar. The council has now said that land prices have increased so much that it no longer has sufficient funds to purchase that land and, therefore, it will abandon its proposal for the use of that land. That, of course, has outraged the residents who believe that they have been falsely induced to buy land that was to be opposite a park. Council has now backed away from that proposal.

I believe councils will face more and more pressure as more and more costs are shifted onto them and their rates will continue to be capped because of the threat of the compulsory imposition of a section 94 plan that may be completely at odds with their wishes. In that environment there will be pressure on councils to abandon useful community-oriented planning on behalf of their communities. At least this bill will take that immediate pressure off councils and make it more difficult for a landowner to demand immediate compensation. So one is immediately in the position of saying: On which side do we come down? Do we come down on the side of the individual who may be disadvantaged, or do we come down on the side of long-term planning for the community, which may be in its best interests? In that case our decision is to opt for the long-term community benefit. Therefore, the Greens support the bill.

The Hon. HENRY TSANG (Parliamentary Secretary) [6.22 p.m.], in reply: I thank all honourable members for their contributions to this debate. The Opposition made a number of incorrect statements about the legislation, and it is important that I correct the record. The Opposition is of the view that this legislation will take away the right of every citizen in the State who owns property to be compensated by the Government if the Government wishes to take his or her land. Of course, that is wrong. If the Government wishes to acquire land for a public purpose, the landowner must be compensated.

The compensation provisions are found in the Land Acquisition (Just Terms Compensation) Act 1991. This amendment does not take away a landowner's right to be compensated if the Government wishes to acquire his or her land—and Opposition members know that perfectly well. In fact, the former Coalition Government introduced the Land Acquisition (Just Terms Compensation) Act 1991. The Opposition also claimed that the State is under no obligation to review its land reservations. That is not true. As indicated in the second reading speech, the Government will introduce a new State environmental planning policy [SEPP] for reserved public lands where sites are identified as no longer required for a public purpose. This SEPP will provide landowners with certainty over the land usability of their property.

Local government is also required to review its land reservations by the local environmental planning process. This legislation continues to require government to purchase land required for a public purpose and to compensate landowners. Concurrently, government and local councils would be required to update their public reservation and take action to lift reservations that are no longer required. The legislation does not remove property rights; it retains all the protections of the Land Acquisition (Just Term Compensation) Act—an Act introduced by the Coalition and supported by the Government. The hardship provisions under the Land Acquisition (Just Terms Compensation) Act are retained.

These provisions are extremely broad and the Government's determination remains appellable. The legislation will enable the Government to maximise available funds for the purchase of public open space and parklands rather than divert money into needless minor acquisitions. Where unnecessary reservations are identified the legislation will enable State and local governments to lift those reservations and to have the land rezoned for the benefit of both government and landholders. I commend the bill to the House.

Question—That this bill be now read a second time—put.

The House divided.

Ayes, 24

Ms Burnswoods	Ms Hale	Ms Sharpe
Mr Catanzariti	Mr Kelly	Mr Tingle
Dr Chesterfield-Evans	Reverend Dr Moyes	Mr Tsang
Mr Cohen	Reverend Nile	Dr Wong
Mr Costa	Mr Obeid	
Mr Della Bosca	Mr Oldfield	
Mr Donnelly	Ms Rhiannon	*Tellers,*
Ms Fazio	Ms Robertson	Mr Primrose
Ms Griffin	Mr Roozendaal	Mr West

Noes, 12

Mr Breen	Mr Gay	
Mr Clarke	Mr Lynn	
Ms Cusack	Ms Parker	*Tellers,*
Mrs Forsythe	Mrs Pavey	Mr Colless
Mr Gallacher	Mr Ryan	Mr Harwin

Pairs

Mr Hatzistergos	Miss Gardiner
Mr Macdonald	Mr Pearce

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time and passed through remaining stages.

ADJOURNMENT

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [6.33 p.m.]: I move:

That this House do now adjourn.

DEATH OF HARRY SEIDLER

EAST DARLING HARBOUR DEVELOPMENT PLAN

The Hon. HENRY TSANG (Parliamentary Secretary) [6.33 p.m.]: As an architect, I wish to speak on two matters of great importance to me: the death of Harry Seidler and the proposed development plan for East Darling Harbour. I congratulate the winning development team, comprising Philip Thalis, Paul Berkemeier and Jane Irwin, whose plan is noted for its intelligent and functional use of space. The site is a prime example of the challenges of urban planning in Sydney. It is a challenge in terms of the objectives of the development—namely, use of the space, meeting the interests and needs of the community, and good urban design, among other factors.

I pay tribute to one of Australia's truly great architects, Harry Seidler. We were saddened to hear last year of Harry's grave illness and then of his passing on 9 March. He was aged 82. Harry Seidler was an architect of immense talent and vision. His impressive body of work speaks for itself. As the leader of the modernist movement at a time when Australia had not yet embraced its possibilities, he certainly ruffled a few feathers. Harry was not particularly well known for being impressed by or patient with consenting planning authorities. Often provocative, he never sought to endear himself to them. Glen Murcutt, the Pritzker-winning Australian architect, paid tribute to Harry Seidler and said:

> It's only the public that have spoken in any way badly about Harry. That tells much more about the public than it does about Harry. He produced some of the best work this country has ever seen. He won a lot of victories [against conservative councils]. That's why he's so important; he made it possible for a new generation of architects to move architecture into the 21st century.

I agree wholeheartedly with Glen Murcutt. Harry Seidler showed that good architecture was possible outside the norms of red bricks and red roof tiles. His first commission, Rose Seidler House in Wahroonga, shocked locals with its use of modern materials and design such as open planning and glass walls. True to the modernist catchcry, form followed function. Harry was of the Bauhaus school. He studied and worked with Walter Gropius, Oscar Niemeyer and Marcel Breuer, among others.

Although he became internationally renowned as an Australian, Harry was proof that one does not need to go overseas to make one's mark. He contributed the most to the Australian built environment yet he came to this land as a migrant and before that he was a refugee. His experiences in internment camps as a child shaped his outlook on life. After fleeing the German occupying forces in Austria, his parents sent him to seek asylum in England. Instead he was interned for two years. Harry Seidler's was a prominent voice during the children

overboard scandal. He spoke out in favour of asylum seekers. He understood the trauma of detention with no end in sight. As he said to an interviewer in 2003:

> … the worst thing is, they wouldn't tell me how long it's going to take.

Harry was always happy to stand out from the crowd. He was proud of it. His encounters with city planners are well documented, but our encounters on the Central Sydney Planning Committee left me with the clear impression that his prime motivation was high-quality design. It was often convenient for councillors to align themselves with the popular front and oppose any different or avant-garde ideas that sought to address our urban demands. That was the easy option. Although Harry was at times indignant that he could not proceed with his plan, he always responded to suggestions and tried to modify his design with a solution that could be enjoyed by the public.

Conversely, some of Harry's designs have shaped the way in which planners make their decisions. I recall the courtyard of Australia Square as a good example. Future adjoining developments were required to ensure that the sun would still shine onto the courtyard in recognition of its importance to city workers. Harry Seidler was widely recognised for his body of work. He was awarded the Royal Australian Institute of Architects Gold Medal in 1976 and the Royal Institute of British Architects Gold Medal in 1996 and received no less than five Sulman Awards. Harry Seidler was an Australian architect of world stature. His legacy is ours to cherish and our built environment is the better for his landmarks. I extend my condolences to his widow, Penelope Seidler, and their two children. A memorial service for Harry Seidler will be held at 3.00 p.m. on Thursday, 6 April at the Theatre Royal in Sydney. I am honoured to have been one of Harry Seidler's students at the University of New South Wales and I worked closely with him when I was a member of the City of Sydney central planning committee.

TRIBUTE TO MR KEVIN CHARLES "PRO" HART

The Hon. RICK COLLESS [6.38 p.m.]: Yesterday I had the honour of attending the state funeral of proclaimed Australian artist Pro Hart, who lost his fight against motor neurone disease in the early hours of Tuesday 28 March 2006. Kevin Charles Hart was born in Broken Hill on 30 May 1928. He grew up on the family sheep station, "Larloona", near Menindee. Pro and his brother, Bob, were educated by correspondence, with their mother as their tutor. In his early twenties Pro moved into Broken Hill and worked in the mines for some 18 years, where he was anointed with his nickname, "Pro", which is an abbreviation for professor. It was given to him by his mining mates because, as Pro often said, they thought he knew everything. It has been said that Pro started painting on the wooden beams of the mines in which he worked. The pictures were often funny and cheeky, depicting the shift boss or having a dig at someone.

In 1960 Pro married Raylee June Tonkin, and they had five children—three boys and two girls. When Pro was as young as seven years old he loved to sketch and paint. In his early twenties he began to take seriously what was so obviously a gift and started using painting as an outlet to keep him sane while working underground as a miner. Pro was discovered in 1962 by a gallery director in Adelaide and after that he never looked back. His first exhibition was a sell-out. Visitors to his gallery in Broken Hill are amazed at the size and content of his three-storey gallery, which houses one of the largest private collections in the Southern Hemisphere and includes both Australian and European Masters. Pro was also a sculptor of some renown and worked with welded steel, bronze and ceramics. The first thing that greets visitors to his gallery is Pro's collection of vintage cars that are lined up around the grounds. They include Fords, Chevrolets, Bentleys and Rolls Royces together with a variety of motorbikes.

Pro's artworks have been exhibited in galleries all over the world, including in New York, Paris and Tokyo, and are held in private collections owned by the likes of Harold Mertz, Lyndon B. Johnson, Prince Philip, Qantas Airways, Margaret Carnegie, the Australian War Memorial, New South Wales and Adelaide universities, the Bonython Collection, the Warsaw National Collection of Poland and Cathay Pacific Airways. Not bad for a boy from the Australian bush! Although he has been overlooked by the mainstream art industry in Australia, I hope that will be rectified very quickly.

In 1976 he was awarded an MBE for his services to art in Australia. In 1982 he received an honorary life membership of Society International Artistique for outstanding artistic achievement. That is granted to only one artist per continent, and in 1983 he received an Australian Citizen of the Year Award. Not only was he a brilliant painter, sculptor and vintage car collector, he was also an A-grade pistol shooter, and he loved inventing different kinds of engines and machines. Music also formed an important part of his life. He was the

proud owner of a Rodgers electric pipe organ, the largest of its kind in Australia. Pro Hart became a household name in Australia and was one of the best-known contemporary artists of our time. His works, some of them 30 years old, capture a history of Australia, the outback and its people and lifestyle. He will be remembered not only for his artistic abilities but also for his generosity to his local community of Broken Hill. Although he died a millionaire, it was said at his funeral that Pro gave away many more millions than he kept. This tribute to Pro would not be complete without mentioning the famous Brushmen of the Bush, of which he was a member. The Brushmen of the Bush, that famous Australian group of great artists from Broken Hill, took Australian art not only to Australians but also to the world. They had a vision of using their talents to showcase the art of outback Australia to the world and, at the same time, raise much-needed money for worthwhile charities.

Both as a group and individually, they raised more than a million dollars for charities around Australia. The State funeral for Pro Hart was a fitting tribute to a great Australian, a committed Christian and a loving husband, father and grandfather. It was an extremely moving occasion, and I ask the House to join with me in offering his wife, Raylee, daughters, Marie and Julie, and sons, John, Kym and David, and their extended family our most sincere condolences on the passing of one of Australia's favourite sons.

URANIUM MINING

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [6.43 p.m.]: Bob Menzies became known as Pig Iron Bob because he sold scrap iron, or pig iron, to the Japanese just before World War II. The irony was that the pig iron came back to Australia in the form of bombs landing on Darwin. John Howard has happily signed up for the Chinese regime to get Australian uranium, even though China have not signed the nuclear test ban treaty. Australia's record on uranium sales is, of course, something of a bad joke. In the past Australian uranium ended up in France, reprocessed as yellow cake. And which country carried out underground nuclear explosions in the Pacific? But we try to pretend that it was not our uranium.

Some of the practices in uranium mining are among the world's worst. Beverly uranium mine, in South Australia, pumps in acid to dissolve rock, and the slurry of dissolved rock is then pumped to the surface to get the uranium. This ingenious scheme saves the cost of digging a mine, but the direction in which the acid moves, not to mention the uranium, is of course not so easy to control. The mine site is quite close to water aquifers and the Great Artesian Basin, which is one of the most extensive underground water resources in the world and, of course, the largest in Australia. If acid and uranium reaches that resource, what will the effect be on all those who are dependent on that water—which is most of the people in the Red Centre of our country?

Such terms as "world's best practice" and other nonsense that is flung around must be seen in context. Australia has not been willing to police good practice in the Red Centre. It is a case of out of sight, out of mind. The Chinese world view, as expressed to me on a number of visits there, is that there are three major countries in the world: the United States of America, Europe and China. This is a real politic view and is recommended as an analysis of how the world works. The Chinese view is that those regions of the world are the three real powers, and ultimately all other countries will be in the sphere of influence of one of them. The Chinese perspective is that China has slipped off the pace as regards technology for couple of centuries and that the West has hindered it catching up. The Chinese believe it is their right to catch up—a few copyright laws notwithstanding—and when they have done so they will take their rightful place in the world.

Australia will have to decide whether it is in the sphere of influence of the United States of America or China. China believes that the influence of the United States of America is a bit overstretched and that countries like Australia will be up for discussion. A number of times in various parts of China different people have said to me, "You have the most resources in the world, and we have the most people in the world, and we have to talk about that." I found that somewhat chilling. It had the undertone of the school playground, whereby one child says to another, "You have more marbles than I do, but I am bigger than you and we have to talk about that." One could say that the Chinese were just being honest; certainly that seems to be how they saw it. Yesterday's *Sydney Morning Herald* carried the following interesting comments of Peter Hartcher:

> A great virtue of an open world trading system is that it allows rising powers to buy vital resources so that there is no need to get them in the age old manner: by invasion and occupation.

Presumably that translates as: The big boy gets the marbles without a fight. John Howard is said to be very courageous but he fawns over Bush, Blair and Wen Jiabao, and is happy to make it tougher for workers to negotiate or for the disabled people to get benefits. He could regulate the existing mines and he could say that countries that buy uranium could look after their own waste, but he does not. The Australian Democrats oppose

the export of uranium and believe there are still no adequate safeguards to ensure that enriched Australian uranium will not end up being used for warheads one way or another.

A huge problem is that uranium mining may leave tailings and waste for Australia to clean up for many years into the future. Should we agree to become a waste dump? That is another problem we will have to face. The Chinese have a poor environmental record and with the changes in ownership they may yet own the resource outright. Already the Chinese are talking about a price different from the going world price. What safeguards will Australia demand? It seems to have a very poor record of demanding anything at all.

The difference between pig iron and uranium is that uranium tailings scattered around the environment have a half-life of 250,000 years. Uranium Howard might be harder to forget than Pig Iron Bob. Two of Australia's largest mining companies are supplying uranium to Taiwan, and this has been overlooked since 1991. The Government has a great record of ignoring public opinion surveys. Indeed John Howard's stance on Iraq is very unpopular but he does not seem to care. [*Time expired.*]

COMMUNITY WORKERS WAGE INCREASE

The Hon. JOHN RYAN [6.48 p.m.]: In March 2006 the State Industrial Relations Commission adjusted the Social and Community Services [SACS] Award to give staff who work under that award an increase of 10.05 per cent over the next three years. Starting from 1 July 2006, staff employed under that award will be paid a well-deserved 3.5 per cent increase, to be followed by two further increases of the same rate in 2007 and 2008. Staff who work under the SACS award are employed by welfare and disability service organisations around the State, and the State Government simply could not function without the work that they do.

In most instances they take on work otherwise performed by people on the public payroll of the Government. Many of the services that employ people on the SACS award work under government grants and off the smell of an oily rag. Many staff work in excess of the hours for which they are paid, such as assisting their organisation with fundraising, providing extra services to clients gratuitously, and so on. I recall that in 2001 when the SACS award was increased the State Government also tried to avoid compensating non-government organisations that paid community service workers. It threw the entire community sector into a great deal of distress and worry at the time.

The Hon. Jan Burnswoods: We asked the Federal Government to throw in some money. You never mention that, do you?

The Hon. JOHN RYAN: The sector had to hold meetings and protests all over the State until eventually the Government caved in and met its responsibilities.

The Hon. Jan Burnswoods: What did the Federal Government do about its responsibilities? Why don't you talk about that?

The Hon. JOHN RYAN: Over recent days there have been some sad indications that we are about to go through the same traumatic process. On ABC Radio this Tuesday, in regard to the SACS award, the Premier said that charities and social service workers should provide the 10.5 per cent pay increase to workers such as those in the Riverina.

The Hon. Jan Burnswoods: Is there Federal funding for some of the services you are talking about? Be honest, John!

The Hon. JOHN RYAN: Mr Iemma said that the Government has a range of assistance programs for these groups and the organisations should pay for the wage increases themselves. The Council of Social Service of New South Wales [NCOSS] has said that the State Government has a moral duty to fund the wage increase for social and community services workers. NCOSS spokesman Gary Moore has said that the Government needs to bridge the gap for the thousands of people affected. He said:

> Thirteen million dollars a year over the next three years is a very small investment given the enormous essential work that these workers perform in our community.

The Hon. Jan Burnswoods: Tell us about the Federal Government's role. You did not mention that.

The Hon. JOHN RYAN: In this House yesterday the Treasurer, when asked a question about this award, referred to the fact that each year the New South Wales Government includes a provision for indexation of grants that recognise non-government organisations. Earlier the Hon. Jan Burnswoods interjected about the Federal Government. Believe it or not, that was the same excuse that the Federal Government used at that time: they get indexation, and they should be able to pay increases out of that. I simply point out to the honourable member that the New South Wales Government is using the same rhetoric that the Federal Government used then. The hypocrisy is unbelievable.

The Treasurer went on to say yesterday the Government provides for the impact of award increases in the indexation provisions. It has already been said by many in the social welfare sector that indexation will not be enough. These organisations have already had small amounts of indexation eaten away by additional costs of implementing occupational health and safety procedures, meeting the costs of workers compensation insurance and public liability insurance, increased training costs for staff, and of course increased transport costs caused by petrol price rises. People in the social and community services sector earn very modest salaries indeed. They do a hard and difficult job. Many of us would not want to do the jobs that they do. We would find their work disturbing, difficult and arduous.

If the Social and Community Services Award salaries are not paid, those community services will face the problems of restructuring. This word simply means that staff wages and hours will be cut, take-home pays will be decreased, and these people will miss out on the benefit of this increased salary. It is utter hypocrisy, in my view, for the Government to lecture the Howard Government and private enterprise about changes to industrial relations laws and then use exactly the same rhetoric to start bossing around the community welfare sector. The Government must guarantee these salaries for the hardest workers, the most modestly paid workers that this State has, and give them the salaries they deserve. It should dispel uncertainty and announce that it will pay these increases as they fall due—as it will do for staff on the public payroll who earn salaries under the same award.

I do not imagine that Department of Ageing, Disability and Home Care workers on Social and Community Services Award salaries, or people who work for the Department of Community Services and earn the same salaries, will be worrying about whether they will receive a pay increase. They will get it. We should adopt the same approach to these other organisations. I say that in full awareness of the fact that one day I might hold the same responsibilities as a Minister of the State. I believe that this game, which has been played by many governments in the past, should stop. We ought to guarantee the salaries of the people in this sector as they fall due.

The Hon. Patricia Forsythe: Madam Deputy-President, I seek your ruling on whether a Minister or Parliamentary Secretary is at present in charge of the House, given that the Parliamentary Secretary who is present exercised his prerogative as a member of the House to take part in the adjournment debate.

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! When the Parliamentary Secretary delivered his speech a Minister was present in the House. The Minister subsequently left the Chamber. That the Parliamentary Secretary is present is sufficient to satisfy the standing orders. There is no point of order.

MR ABDUL RAHMAN

Reverend the Hon. FRED NILE [6.53 p.m.]: Abdul Rahman, the Afghan Christian convert, should be granted asylum in Australia. Abdul Rahman, who faced the death penalty for converting from Islam, was allowed to leave Afghanistan to travel to Italy, where he is seeking asylum. But I believe Australia should be generous enough to offer him asylum here. The case of this 41-year-old man attracted widespread international attention, and was seen as a key test for Afghanistan's fledging democracy. The death penalty for converting from Islam was condemned by President Bush, by Prime Minister John Howard, and by representatives of other nations, including Pope Benedict XVI. The Italian Prime Minister said that Abdul Rahman "has requested political asylum and is currently under the care of the interior ministry". Abdul Rahman was arrested in Afghanistan about three weeks ago under Islamic sharia law, which dictates that he should be sentenced to death unless he reverts to Islam. I understand the Afghan constitution is partly based on the Islamic code.

Mr Rahman was converted in Pakistan about 16 years ago, and lived in Europe, including Germany, for some time before returning to Afghanistan three or four years ago. Some media reports gave the impression that he is a recent convert. He has been a Christian for more than 16 years. The irony is that Mr Rahman lived quietly as a Christian in Afghanistan. After returning from Germany he was arrested only when he decided to

fight for custody of his two teenage daughters, who found his Christian faith an embarrassment and resisted him. Whether his hostile family turned him in to authorities, or whether he just had the misfortune to be found by police with his Bible, the case offered a zealous prosecutor the chance to step in with charges of apostasy. The emotion-riven accusation was guaranteed to make the case notorious both within Afghanistan and internationally. That the prosecutor was zealous there can be no doubt. Apostasy is not often charged in modern Islam. When it is, it is generally used as a mechanism of repression, for instance, to punish the minority Baha'is of Iran.

It is sad that any religion would have such a penalty, which could be enforced by the State, when a follower leaves that religion or converts to another faith. The question is: Is the death penalty an aberration of the Islamic faith, or a corollary of it? As far as we know, such penalties are not being applied in countries like Turkey or Malaysia. However, texts in the Koran can be used by prosecutors, as apparently is happening in Afghanistan, as the Koran Suwar 9:5, 48:29 and others declare. Sadly, even a moderate cleric in Afghanistan, Imam Abdul Raoulf, who had opposed the Taliban, said of Rahman:

> Cut off his head! We will call on the people to pull him into pieces so there is nothing left.

He continued:

> Rejecting Islam is insulting God. We will not allow God to be humiliated. This man must die.

This is a very serious matter. It is time that the Muslim leadership around the world clearly condemned this ancient practice and made it clear that in the twenty-first century the death penalty for changing one's religion can no longer be accepted.

RURAL FIRE SERVICE VOLUNTEERS

The Hon. TONY CATANZARITI [6.58 p.m.]: Tonight I wish to speak about the Rural Fire Service [RFS] and the invaluable job our emergency services volunteers do, day in and day out, in providing protection for our families, homes and businesses. It is in times of crisis that each and every one of them does their utmost to help us. The New South Wales Rural Fire Service is the world's largest fire service, comprising 2,094 brigades with more than 70,000 volunteer members.

The Rural Fire Service is the formal successor to the New South Wales Bush Fire Brigades, which has been in existence for around 100 years. The RFS provides emergency services to over 95 per cent of the State, but not only bushfire services: members are often called upon to attend road accidents, to assist in search and rescue operations, and to help with storm and flood recovery. On 26 March I had the great pleasure of opening two joint RFS-SES facilities in the Riverina and of presenting long service awards to volunteer members of the Rural Fire Service on behalf of the Minister for Emergency Services, the Hon. Tony Kelly. Close to 50 long service awards were presented on the day, ranging from 15 years to a staggering 50 years of service. My congratulations and appreciation is extended to Mr Don Dossetor and Mr Robert (Bob) Bassett for their combined 100 years of volunteering as Rural Fire Service firefighters. Don was a Benerembah Brigade member from 1956 until 2003 and during this time was captain of the brigade from 1994 to 2001. He then joined the Kooba Brigade in 2003 and is still an active member who responds to local incidents.

Bob attended a meeting at the Narrandera Country Women's Association rooms on 17 February 1956 to discuss the possibility of forming a bush fire brigade at Gillenbah. As a founding member of the brigade, Bob has shown a continuing interest in the brigade's efforts over the past 50 years. He has held the position of deputy captain and possesses a vast knowledge of the local area, local fire behaviour and local area fire management. This commitment to the local community is nothing short of amazing. The fact that these two men have volunteered their services for such a long time, and continue to do so, is inspiration for us all. The majority of awards presented on the day were for 25 or 35 years of service, which is nothing to be sneezed at. These are people who work not only to protect their local areas but also travel to other areas of New South Wales and indeed Australia when required, spending extended periods of time away from their families to protect the families of others. Their commitment is second to none. We can rest assured that we are in good hands in times of need.

As honourable members would no doubt be aware, the recent bushfire season was not a particularly good one. More than 30 bushfire emergencies have been declared under section 44 of the Rural Fires Act since the start of the bushfire danger period on 15 October 2005. The bushfires were tainted with tragedy, and massive stock and property losses. Near Junee a volunteer firefighter suffered severe burns while trying to protect

property. In February this year a pilot contracted to the RFS lost his life after crashing south of Cootamundra. It is incidents such as these that remind us of the very real dangers firefighters face when working tirelessly to protect the people of New South Wales and interstate. I am sure members will join with me in wishing the young firefighter from Junee a full recovery, and in extending deep sympathy and gratitude to the family of the pilot who lost his life while protecting others.

As I have mentioned previously, the men and women who volunteer in the Rural Fire Service are a dedicated lot. In addition to their emergency services work, training days are held for local volunteers to ensure that members are trained in using the latest equipment and that their skills are kept up to date. A variety of fundraising activities are held across the State. The New South Wales Labor Government has long recognised the invaluable service these men and women provide. The 2005-06 Rural Fire Fighting Fund is $140.2 million, an increase of $6 million on last year and $89.4 million or 176 per cent since 1994-95. It includes $27.4 million for more than 200 new and high-quality refurbished bushfire tankers.

[*Time for debate expired.*]

Motion agreed to.

The House adjourned at 7.03 p.m. until Thursday 6 April 2006 at 11.00 a.m.